

**OFFICIAL INFORMATION\*\*CONFIDENTIAL\*\*EVIDENCE CODE SECTION 1040  
INTRADEPARTMENTAL CORRESPONDENCE**

DATE: May 7, 2020

TO: Honorable Board of Police Commissioners

FROM: Inspector General

SUBJECT: OFFICER-INVOLVED SHOOTING 026-19 FOR 5/12/20 CLOSED-  
SESSION AGENDA

<u>Division</u>	<u>Date</u>	<u>Time</u>	<u>Duty-On (X) Off ()</u>	<u>Uniform-Yes (X) No ()</u>
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Northeast	6/6/19	12:23 p.m.		
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<u>Officer(s) Involved in Use of Force</u>	<u>Length of Service</u>
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Bernd, P./PO III	16 years, 2 months
Rodriguez, D./PO I	1 year, 2 months

Total Involved Officer(s)

2 x PO III  
2 x PO II  
2 x PO I

<u>Suspect</u>	<u>Deceased (X)</u>	<u>Wounded ()</u>	<u>Non-Hit ()</u>
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Jose Antonia De Santiago-Medina: Male Hispanic, 59 years.

**COP Recommendations**

**Tactics** – Tactical Debrief, Officers Cervantes, Martinez, Bernd, Rodriguez, Zamorano, and Guerrero.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Cervantes, Martinez, Bernd, Zamorano, and Guerrero.

**Less-Lethal Use of Force** – In policy, No Further Action, Officer Rodriguez.

**Lethal Use of Force** – In Policy, No Further Action, Officer Bernd.

## **IG Recommendations**

**Tactics** – Same as COP.

**Drawing/Exhibiting** – Same as COP.

**Less-Lethal Use of Force** – Same as COP.

**Lethal Use of Force** – Same as COP.

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## **INVESTIGATION**

### **Annotated Force Investigation Division (FID) Incident Summary<sup>1</sup>**

**Synopsis:** Uniformed patrol officers assigned to Northeast Division responded to a radio call of an Assault with a Deadly Weapon Suspect, who was armed with a box cutter. As the officers attempted to detain the suspect, the suspect armed himself with a box cutter and charged at the officers, resulting in an Officer-Involved Shooting (OIS).

### **Investigative Summary**

On June 6, 2019, Witness Nannette Dickson, was inside her residence at 3878 Edenhurst Avenue, when she heard something drop on the porch, followed by the sound of an object hitting the front door. Dickson opened the inner door, looked through the mesh security door, and observed Suspect Jose Antonio De Santiago-Medina strike the door with what she believed was a crowbar. Medina then walked off the porch and walked on Edenhurst Avenue toward Dover Street. According to Dickson, as Medina walked, he used the piece of metal he was holding to strike plants and the ground. Dickson also noted that Medina left a bent piece of metal on the porch. Dickson stated that she has known Medina for approximately 30 years, he spoke fluent English, and believed that he was inebriated.

**Note:** Investigators obtained surveillance video from 3878 Edenhurst Avenue that captured a piece of metal fly onto the porch. Moments later, Medina was captured opening the gate to the porch and stepping onto the porch with a long metal rod in his left hand. Medina then used a two-hand overhead grip and twice struck the door frame of the residence with the metal rod. Medina then walked off the porch, while still holding the metal rod. Investigators were unable to locate the metal rod Medina was holding as seen in the video.

Investigators recovered a separate metal rod, approximate four feet in length, on Dickson's front porch. This metal rod was similar in appearance to the item Medina used to strike at Dickson's front door. Investigators also noted two small indentations on the framing above the front door.

According to Witness Nigel Bruce, Medina didn't seem to understand English when Bruce dealt with him in the past.

According to Witness Charles Dickson Medina spoke Spanish.

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<sup>1</sup> The Incident Summary presented here is reproduced from FID's report regarding this case, and is supplemented with annotations by the OIG. All OIG annotations are referenced as an "OIG Note." All other references and citations in the reproduced FID Incident Summary (e.g., Investigators' Notes or Addenda Items) are reproduced directly from FID's report. Unless otherwise stated, all information provided in OIG annotations is derived from FID's investigation of this incident.

On June 6, 2019, at approximately 1200 hours, Victim Yassine Belhadi was walking east on the south sidewalk of Dover Street, approaching Edenhurst Avenue. According to Belhadi, Medina approached him at the southwest corner of the intersection and stood approximately two to three feet in front of him. Medina stated, "hey," and produced a box cutter with an exposed blade, which he held in his left hand. Medina then made a jabbing motion toward Belhadi's stomach area. Believing that he was going to be stabbed, Belhadi ran away from Medina, north on Edenhurst Avenue, and telephoned the police. Belhadi looked back, in a south direction, and saw Medina standing on the west side of Edenhurst Avenue, south of Dover Street, near Victim Armando Alaniz, who was standing in the street next to a parked white pickup truck. Belhadi further observed Alaniz hold his arms up and back away from Medina.

**Note:** According to Belhadi, Medina removed the box cutter from a sheath. Investigators were unable to locate a sheath.

According to Victim Alaniz, he was standing on the driver's side of his parked vehicle, which was parked on Edenhurst Avenue, south of Dover Street. Alaniz observed Belhadi run north on Edenhurst Avenue from Dover Street, away from Medina. Alaniz heard Belhadi yell, "Get away from me. You're crazy." Medina then walked south on Edenhurst Avenue toward Alaniz. According to Alaniz, "He (Medina) never ran towards me, but he was going towards - - he was walking towards me, but with purpose like if he was going to cause me harm."<sup>2</sup> As Medina approached to within approximately six feet of Alaniz, Medina asked, in Spanish, "What's up?" According to Alaniz, Medina's fists were clenched by his waist, but he did not see any weapon. Alaniz walked to the passenger side of his vehicle and then ran east on Dover Street. As Alaniz continued on Dover Street, he telephoned 911.

According to Witness Michael Freeman, he observed the two encounters with Medina between Belhadi and Alaniz. Medina followed Alaniz, at which time Freeman observed Medina holding what he believed to be a yellow box cutter with an adjustable blade that was exposed. Soon after, Freeman gave Alaniz a ride in his vehicle around the block and back to Alaniz' pick-up truck. Freeman also telephoned the police.

**Note:** Investigators later examined the box cutter and determined it to have an overall length of approximately six inches, with an exposed fixed blade, approximately one inch in length.

In response to Alaniz' 911 call, at approximately 1206 hours, Communications Division (CD) broadcast on Northeast Division Frequency; "Northeast Units, 415 man with a knife. Brunswick and Appleton, Brunswick and Appleton. Suspect is a male Black with a curly afro- style hair... hair style suspect wearing a black long sleeve shirt and blue jeans, chasing passerbys with possibly a razor blade or a box cutter, Code 3, incident 2569, in RD 1123, requesting Code Sam equipped unit and supervisor."

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<sup>2</sup> Alaniz' Statement, Page 16, Lines 6 – 9.

**Note:** When Alaniz telephoned 911, he informed the operator that he was told by someone else that Medina had a razor or maybe a box cutter.

In response to Belhadi's 911 call, at approximately 1207 hours, CD broadcast on Northeast Division Frequency; *"Northeast Units, attempt ADW just occurred 3959 Edenhurst Avenue, occurred two blocks east of the location. Suspect is a male Hispanic, mid to late 40's, fit, dark hair, wearing a black long sleeve sweater, dark pants, armed with a yellow box cutter, it's Code 2, incident 2580, in RD 1123."*

At approximately 1208 hours, Northeast Area uniformed Police Officers II Antonio Cervantes, Serial No. 36807, driver, and Eddie Martinez, Serial No. 36860, passenger, assigned Unit 11A1 watch 2, responded Code-3 to the radio call. The officers were equipped with Body Worn Video (BWV) cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white, sport utility patrol vehicle, Shop No. 81476, which was equipped with ballistic door panels and a Digital in Car Video System (DICVS). Both officers' BWV and DICVS were activated.<sup>3</sup>

**Note:** According to Officer Cervantes, he and Officer Martinez worked together a few times in the past. The officers had previous conversations regarding general tactics and contact and cover roles. While en route to the radio call, Officer Cervantes spoke with Officer Martinez about getting distance from Medina, that he would be the contact officer and, if needed, Officer Martinez would deploy the 40 millimeter less-lethal launcher.

According to Officer Martinez, he and Officer Cervantes previously worked together at least ten times collectively in Southwest and Northeast Division. The officers had general conversations about contact and cover, foot pursuits, traffic stops, suspects armed with guns, and suspects armed with knives.

At approximately 1209 hours, CD inquired if the officers were *"Code Sam or Code Sam 40 equipped,"* and Officer Martinez broadcast they were. Both Officers Cervantes and Martinez donned latex gloves while en route to the location, due to the likelihood of coming into contact with the suspect.

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<sup>3</sup> Officer Cervantes, 43 years of age, 6 feet, 185 pounds, 16 years and 3 months with the Department, equipped with a side-handle baton in his vehicle, Oleoresin Capsicum (OC) spray, two pair of handcuffs, Hobble Restraint Device (HRD), a 9-millimeter Beretta 92FS semi-automatic pistol, a X26P TASER, and a ballistic vest;

Officer Martinez, 45 years of age, 5 feet 10 inches, 275 pounds, 16 years and 2 months with the Department, equipped with a side-handle baton in his vehicle, OC spray, one pair of handcuffs, HRD, a 40 caliber Glock Model 22 semi-automatic pistol, a X26P TASER, a ballistic vest, and a 40 millimeter less-lethal launcher in the vehicle trunk.

**Note:** According to Officer Cervantes, he puts gloves on anytime he believes he will have physical contact with someone. Officer Cervantes' BWV captured him driving while putting gloves on.

According to Officer Martinez, he puts gloves on as a routine to protect against any potential blood borne pathogens.

At approximately 1210 hours, Northeast Area uniformed Police Officer III Paul Bernd, Serial No. 36841, driver, and Police Officer I Daniel Rodriguez, Serial No. 43547, passenger, assigned Unit 11A25 watch 2, responded Code-3 to the radio call.<sup>4</sup> The officers were equipped with BWV cameras that were mounted on their mid-upper torsos. The officers were driving a marked black and white, Crown Victoria patrol vehicle, Shop No. 89480, which was equipped with ballistic door panels and a DICVS. Both officers' BWV and DICVS were activated.

Northeast Patrol Division uniformed Sergeant I David Sanchez, Serial No. 38115, Unit 11L60 watch 2, also advised he was en route to the call.

Upon their arrival in the area, Officers Bernd and Rodriguez searched the neighborhood north of Los Feliz Boulevard, but did not locate Medina. They then began their search south of Los Feliz Boulevard.

**Note:** While en route to the radio call, Officer Bernd designated himself as the lethal cover officer and Officer Rodriguez as less-lethal cover officer with a beanbag shotgun.

Upon their arrival in the area, Officers Cervantes and Martinez met with Victim Alaniz. Officer Cervantes' BWV captured Alaniz inform Officers Cervantes and Martinez that he observed Medina chasing another person (Belhadi) prior to approaching him. Alaniz advised officers that Medina also chased him and was armed with a box cutter, although at the time of his encounter with Medina, Alaniz did not observe the box cutter. Alaniz informed the officers that he was unharmed and gave them the last direction of travel for Medina. Officer Cervantes directed Alaniz to stand by while the officers searched the area to locate Medina.

According to Officer Martinez, he and Officer Cervantes continued their search of the area when they contacted Belhadi. Belhadi informed Officers Martinez and Cervantes

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<sup>4</sup> Officer Bernd, 50 years of age, 5 feet 6 inches, 180 pounds, 16 years and 2 months with the Department, equipped with a side- handle baton in his vehicle's trunk, OC spray, two pair of handcuffs, HRD, a 45 caliber Glock model 21 semi-automatic pistol, a X26P TASER, and a ballistic vest; Officer Rodriguez, 23 years of age, 5 feet 11 inches, 200 pounds, 1 year and 2 months with the Department, equipped with a side- handle baton in his vehicle's trunk, OC spray, two pair of handcuffs, HRD, a 9mm Smith & Wesson M&P9 semi-automatic pistol with affixed Surefire tactical pistol light, a X26P TASER, a ballistic vest, and a beanbag shotgun.

that he was approached by Medina, who attempted to cut him with a yellow box cutter. Belhadi was able to flee from Medina unharmed. According to Officer Cervantes, Belhadi demonstrated Medina's actions by making jabbing motions, simulating a stabbing motion. Belhadi further stated that he last saw Medina to the south. Officer Martinez' BWV captured Belhadi describe Medina as a male Hispanic, about 5 feet 10 inches tall, wearing a long sleeve thermal sweater, armed with a yellow box cutter that had a yellow sheath. Officer Cervantes then directed Belhadi to stand by with Alaniz while he and Officer Martinez attempted to locate Medina.

**Note:** Officers did not broadcast any additional information after speaking with Alaniz and Belhadi.

The investigation revealed the box cutter to have a yellow handle, not a sheath.

Officer Cervantes drove north on Edenhurst Avenue when he met with Officers Bernd and Rodriguez, who were traveling south, in their vehicle. According to Officer Bernd, Officers Cervantes and Martinez informed them that they spoke to two individuals (Victims Belhadi and Alaniz) who stated Medina was armed and chased people. Officer Bernd opined that Medina committed an assault with a deadly weapon. Officer Cervantes' BWV captured him state, *"So far it looks like he went after two guys and tried to get 'em."* Officer Cervantes made a stabbing motion with his right hand, while simulating horizontally holding a knife out from his body. Officer Bernd advised Officer Cervantes that they had searched for Medina to the north but did not locate him.

**Note:** According to Officers Bernd and Rodriguez, Officer Cervantes stated that Medina was armed with a knife.

After speaking with Officers Cervantes and Martinez, Officers Bernd and Rodriguez remained in their vehicle as Witness Freeman, who was driving north on Edenhurst Avenue and waving at officers to get their attention, stopped to speak with them. Freeman provided Officers Bernd and Rodriguez with Medina's description and last known location. According to Officer Rodriguez, Freeman did not specify if Medina was armed.

After speaking with Officers Bernd and Rodriguez, Officer Cervantes conducted a U-turn and stopped, facing south on Edenhurst Avenue, behind Officers Bernd and Rodriguez' vehicle while they conversed with Freeman.

**Note:** According to Officer Martinez, Officer Cervantes conducted a U-turn prior to meeting with Officers Bernd and Rodriguez.

According to Officer Bernd, Freeman stated that he was chased by Medina.

After speaking with Freeman, Officers Bernd and Rodriguez drove south on Edenhurst Avenue, followed by Officers Cervantes and Martinez. As Officers Bernd and Rodriguez passed Dover Street, their DICVS captured them stop and speak with Alaniz.



Officer Rodriguez' BWV captured Alaniz state, *"I was the other guy that got chased too."* Alaniz informed the officers that when he telephoned the police, Medina was at the corner and headed south. Alaniz pointed to the south as he spoke to the officers.

**Note:** According to Officer Rodriguez, Alaniz stated he was chased by Medina with a knife.

About this time, Officers Cervantes and Martinez' DICVS captured Belhadi walk into the intersection of Dover Street and Edenhurst Avenue and flag them down. Officer Cervantes' BWV captured Belhadi stating, *"It kind of looks like this guy up here on the left. I can't tell from here but that's kind of what he was wearing."* Officer Cervantes again directed Belhadi to stand by with Alaniz. According to Officer Martinez, Belhadi pointed to the sidewalk on the east side of Edenhurst Avenue.

**Note:** According to Officer Martinez, Belhadi stated, *"I believe that's him. I believe that's him."*

According to Officer Bernd he only spoke with one citizen while searching for Medina.

The two police vehicles continued south on Edenhurst Avenue. According to Officer Cervantes, as he was traveling south, he observed Medina walking north on the east sidewalk of Edenhurst Avenue. According to Officer Cervantes, as the police vehicle passed him, Medina looked back in the officers' direction several times, *"like if he knew we were looking for him."*<sup>5 6</sup> Officer Cervantes' BWV captured Officers Cervantes and Martinez communicating with one another whether or not Medina matched the description given to them. Officers Cervantes and Martinez decided to contact Medina.

Officers Bernd and Rodriguez' vehicle proceeded south, past Appleton Street, while Officer Cervantes conducted a U-turn in the intersection of Appleton Street and Edenhurst Avenue and drove north on Edenhurst Avenue. At approximately 12:22:20 hours, Officer Martinez broadcast on Northeast Division Frequency, *"11A25, turn around and come back northbound."* According to Officer Cervantes, as he drove toward Medina, he observed Medina contact a female on the sidewalk, near a driveway, and believed that Medina may harm citizens in the area.

**Note:** Officer Cervantes and Martinez' DICVS captured Medina standing within a few feet of an individual on the sidewalk in front of 3865 Edenhurst Avenue.

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<sup>5</sup> Officer Cervantes' Statement, Page 10, Lines 15 – 16.

<sup>6</sup> Exterior surveillance video from 3851 Edenhurst Avenue, Channel 4, captured Officer Bernd and Cervantes' police vehicles traveling south on Edenhurst Avenue. A short time later, Medina can be seen walking north on the east sidewalk of Edenhurst Avenue, at which time Medina turns around and faces south. Medina then turns back around and continues to walk north.

The female, which Officer Cervantes referred to, was identified as male Witness Sammy Sanchez and interviewed by Force Investigation Division (FID) investigators.

According to Officer Martinez, as they neared Medina, he observed two individuals down the street, north of their location, pointing at Medina and stating, *"That's him, that's him."* At approximately 12:22:43 hours, Officer Martinez broadcast, *"11A1, we're going to be Code-Six on a possible suspect in front of 3865 Edenhurst."* As Officers Cervantes and Martinez approached Medina, their DICVS captured him walking north, on the east sidewalk. Officer Cervantes stopped the vehicle faced in a northeast direction, approximately 30 feet south of Medina. Medina turned and faced in Officers Cervantes and Martinez' direction. Officer Martinez immediately exited and took a position of cover behind his vehicle door. Officer Martinez' BWV captured him ordering Medina, *"Turn around, let me see your hands. Turn around, let me see your hands. Turn around, face away from me."* Officer Martinez unholstered his service pistol, which he held in a two-hand grip, with his finger along the frame, pointed at Medina's upper body. According to Officer Martinez, he unholstered because Medina may be armed with a box cutter.

**Note:** Officer Martinez used the term, "low ready;" however, he described pointing his pistol at Medina's upper body mass.

Officer Martinez' BWV captured Medina raise his hands above his head, at which time Officer Martinez noted that Medina did not have anything in his hands. Officer Martinez continued to order Medina to turn around and face away from officers. Medina kept his hand raised but was non-responsive.

Upon hearing Officer Martinez' request for them to make a U-turn, Officer Bernd did so, and drove north. Officer Bernd stopped his vehicle behind, and to the right of, Officers Cervantes and Martinez' vehicle, and exited. Officer Cervantes' BWV captured him exit his vehicle as Officer Bernd exited his police vehicle. Officer Cervantes directed Officer Bernd to deploy the 40 millimeter less-lethal launcher. According to Officer Bernd he advised Officer Rodriguez to get the beanbag shotgun from their vehicle.

**Note:** According to Officers Cervantes and Martinez, they did not deploy the 40 millimeter less-lethal launcher, because it was stored in the vehicle's trunk. According to Officer Cervantes, he did not want to divert his attention from Medina. According to Officer Martinez, he was contacting an armed suspect, so he wanted his pistol drawn. Both Officers believed a special order mandated the launcher be stored in the trunk of the police vehicle.

According to Officer Bernd, he felt the safest less lethal tool for a Suspect with an edged weapon was the beanbag shotgun, which would allow distance between Medina and the officers.

Officers Bernd and Rodriguez did not have a 40 millimeter less-lethal launcher in their police vehicle.

According to Officer Bernd, he felt the safest less lethal tool for a suspect with an edged weapon was the beanbag shotgun, which would allow distance between Medina and the officers.

Officers Bernd and Rodriguez did not have a 40 millimeter less-lethal launcher in their police vehicle.

Officer Rodriguez retrieved the beanbag shotgun from the rack inside the passenger compartment of his vehicle. Officer Rodriguez chambered a round but did not add any additional rounds to the magazine tube.

**Note:** According to Officer Rodriguez, after chambering a round, he disengaged the safety and placed his finger along the frame of the beanbag shotgun.

Officer Bernd unholstered his service pistol and took a position of cover behind Officer Cervantes and Martinez' vehicle passenger side door, slightly behind, and to the right of Officer Martinez. Officer Bernd and Rodriguez' DICVS captured Officer Bernd hold his pistol in his right hand, with his index finger along the frame, in an indoor low ready position.

**Note:** According to Officer Bernd, he unholstered his pistol to a two-handed low ready position.

Officer Cervantes' BWV captured him standing near the front bumper of his police vehicle and speaking Spanish to Medina. Officer Cervantes first asked Medina two times in Spanish if he spoke English or Spanish. Medina did not reply and continued to hold his hands in the air facing Officer Cervantes. Officer Cervantes and Martinez' DICVS captured Officer Cervantes unholster his service pistol and then conduct a chamber check of his weapon. Officer Cervantes held his pistol in his right hand, down to his right side, with his finger along the frame.

**Note:** According to Officer Cervantes, he could not recall when he unholstered his service pistol but stated that he unholstered because he believed Medina had a box cutter and that the situation could escalate to the use of deadly force.

According to Officer Cervantes, he recalled moving to the left of his door, in order to get a better view of Medina; however, he did not recall moving past the front of his vehicle. Officer Cervantes believed that he could have gone back to the cover of his door if Medina approached him.

In between commands to Medina, and as Officer Rodriguez positioned himself near the front of the police vehicle to the right of Officer Cervantes, Officer Rodriguez' BWV

captured Officer Cervantes instruct him to have the beanbag shotgun ready. Officer Rodriguez acknowledged Officer Cervantes and stated, "*Beanbag's ready.*"

**Note:** According to Officer Rodriguez, he took a position on the driver side of Officer Cervantes and Martinez' vehicle, between the wheel well and the front of the bumper.

Officers Cervantes and Martinez' BWV captured both officers order Medina multiple times in Spanish to turn around while Officer Cervantes made a circling motion with his left index finger. After being non-responsive to multiple commands, Medina finally turned to his right and faced north, away from officers, while still standing on the sidewalk. Officer Bernd and Rodriguez' DICVS captured Officer Bernd take a small step toward the sidewalk. According to Officer Bernd he moved from behind the vehicle door, because he did not have a viewing angle on Medina.

Officer Martinez' BWV captured Officer Martinez order Medina in Spanish to come down to his knees. Moments later, Officer Rodriguez can be heard ordering in Spanish, "*the knees.*" Medina did not comply with the order.

**Note:** According to Officer Rodriguez, since he is a fluent Spanish speaker, he ordered Medina in Spanish to get on his knees since Medina was not complying.

At approximately 1223 hours, Northeast Area uniformed Police Officer III Jessica Zamorano, Serial No. 40411, driver, and Police Officer I Amelia Guerrero, Serial No. 43797, passenger, assigned Unit 11A51 watch 2, arrived at scene. The officers were equipped with BWV cameras, which were mounted on their mid-upper torsos. The officers were driving a marked black and white, sport utility patrol vehicle, Shop No. 80445, which was equipped with ballistic door panels and a DICVS. Both officers' BWV and DICVS were activated.<sup>7</sup>

Officers Zamorano and Guerrero exited their police vehicle. According to Officer Zamorano, she unholstered her service pistol to a low ready position, believing the situation could lead to deadly force based on the comments of the radio call, which stated Medina was armed with a knife and had either cut or chased people with it. Officer Guerrero's BWV captured Officer Zamorano holding her pistol in a one-handed low ready position with her finger along the frame. Officers Zamorano and Guerrero initially took cover behind Officer Bernd and Rodriguez' vehicle; however, they could not

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<sup>7</sup> Officer Zamorano, 37 years of age, 5 feet 1 inches, 175 pounds, 9 years and 3 months with the Department, equipped with a ASP baton, OC spray, two pair of handcuffs, HRD, a 9 millimeter Glock model 17 semi-automatic pistol, a X26P TASER, and a ballistic vest; Officer Guerrero, 31 years of age, 5 feet 1 inch, 125 pounds, 6 months with the Department, equipped with a side-handle baton, OC spray, one pair of handcuffs, HRD, a 9mm Smith & Wesson M&P9 semi-automatic pistol, a X26P TASER, and a ballistic vest.

see Medina. Officers Zamorano and Guerrero then repositioned to the driver's side of Officer Cervantes and Martinez' vehicle, near the open driver's door.

**Note:** According to Officer Zamorano, both she and Officer Guerrero unholstered their service pistols as after they exited their vehicle.

As Medina continued to face north, Officers Bernd and Rodriguez' DICVS captured Medina lower his right hand and reach into his rear waistband area. Officer Martinez' BWV captured Officer Martinez advise the officers that Medina was reaching into his pocket. Officer Cervantes' BWV captured Officer Cervantes advising Officer Rodriguez to ready the 40 millimeter less-lethal launcher (referring to the beanbag shotgun) as Medina reached to his waistband area. Officers Bernd and Rodriguez' DICVS captured Officer Bernd take an additional step to his right as Medina began to reach into his rear waistband. Medina continued to face north during this movement. The object that Medina had reached for fell to the ground. Medina then turned to his right, squatted down, and quickly picked up the object from the ground with his left hand.

**Note:** According to Witness Gregory Reveret, Medina was facing the officers as he reached into his rear waist area.

According to Officer Bernd, Medina held the box cutter in his right hand.

According to Witness Charles Dickson, Medina held the box cutter in his right hand.

According to Officer Bernd, Medina suddenly reached into his rear waistband area with both hands and pulled an object out, which flew out of his hands. As Medina picked the object off the ground, Officer Bernd recognized the object to be a yellow box cutter. Officer Bernd's BWV captured him advise the other officers, "*He's got the knife.*" Officer Zamorano broadcasted a back-up request over Northeast Division Frequency.

Medina started to run south on the sidewalk a couple steps, then changed direction and began to run towards Officers Bernd and Martinez. Officer Cervantes' BWV captured Officer Cervantes raise his service pistol in the direction of Medina, while Officer Rodriguez announced, "*Beanbag ready, beanbag ready!*" Officer Rodriguez advanced a few steps out from behind the front fender of the police vehicle as he covered Medina with the beanbag shotgun and followed his movement. Simultaneously, Officer Cervantes lowered the muzzle of his pistol as Officer Rodriguez moved in front of him and Officer Cervantes moved behind the front fender of his vehicle.

According to Officer Bernd, he stepped out to his right to track Medina's movements and to give himself room to fire his weapon. Officer Bernd noted Medina looked in the direction of himself and Officer Martinez as Medina ran at them. As he ran, Medina held the box cutter at waist level with the blade pointed toward the officers. Officer Bernd estimated the blade to be approximately one to two inches in length. Officer Bernd's

BWV captured Officer Bernd yell at Medina, “*Stay! Stop!*” Medina continued his movement.

**Note:** According to Witness Gregory Reveret, Medina leaned forward toward the police, as if to charge, but never moved his feet.

According to Officer Rodriguez, as Medina neared Officers Bernd and Martinez, he targeted Medina’s navel area and discharged one round from his beanbag shotgun. Officer Rodriguez did not know where the beanbag round impacted. Officer Bernd and Rodriguez’ DICVS showed the beanbag round impacted Medina’s chest. According to Officer Rodriguez, “*If I didn’t fire that beanbag shot, he - - he would have still charged. If no action was taken, he could have caused like bodily harm to the officers - - serious bodily harm to them.*”<sup>8</sup>

The investigation determined Officer Rodriguez discharged one round from the beanbag shotgun from a distance of approximately 19 feet.

**Note:** According to Officer Rodriguez, there was no chance to give Medina a use of force warning, due to the fact he charged towards officers.

According to Officer Rodriguez, Medina came within five to seven feet of Officers Bernd and Martinez when he discharged the beanbag shotgun.

Almost simultaneous to the discharge of the beanbag shotgun, Officer Bernd targeted Medina’s middle chest area and fired one round from his service pistol. Officer Bernd believed that Medina had come within an unsafe distance and if Medina had continued his actions, either he or Officer Martinez could have been seriously injured or killed by being stabbed with the box cutter. Officer Bernd noted that he could not back up or reposition, because Medina was closing distance too quickly and he knew that his police vehicle was positioned behind him. Officer Bernd stated that his background was a house at the time he discharged his pistol.

Officer Bernd’s BWV captured Medina run a few more steps and collapse onto the street near the curb line, after being struck by the beanbag and gunfire. According to Officer Bernd, he assessed after he fired and saw Medina had stopped his movement and fell to the ground onto his back.

The investigation revealed Officer Bernd discharged one round from his pistol from a distance of approximately 16 feet.

**Note:** An analysis of the BWV, along with measurements taken at scene, determined that from the time Medina picked up the box cutter and moved

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<sup>8</sup> Officer Rodriguez’ statement, Page 59, Lines 19-22.

towards officers, to the time of the OIS, Medina travelled approximately 16 feet in approximately two seconds.

According to Officer Martinez, he did not discharge his service pistol because he did not see that Medina was armed with a weapon. According to Officer Cervantes, he did not discharge his service pistol because he wasn't sure what the object was that Medina was holding.

None of the officers at scene observed Officer Bernd discharge his service pistol, and only Officer Guerrero was certain she heard a gunshot. According to Officer Rodriguez, he did not realize Officer Bernd had discharged his service pistol until he saw blood coming from Medina, and Officer Bernd advised he fired his pistol. According to Officer Cervantes, he heard a loud bang and believed only the beanbag shotgun had been discharged, until he saw Medina bleeding. According to Officer Martinez, he heard two shots and believed them to have come from the beanbag shotgun, until he saw blood coming from Medina. According to Officer Zamorano, she was unsure if a handgun or a beanbag shotgun had been discharged. According to Officer Guerrero, she observed Officer Rodriguez discharge the beanbag shotgun and heard a gunshot come from the passenger side of Officers Cervantes and Martinez' vehicle.

According to Officer Guerrero, she unholstered her service pistol into a low ready position, with her finger along the frame, in response to hearing gunfire.

According to Officer Cervantes he repositioned to the front of his vehicle and saw Medina on the ground and bleeding. He stated Medina was still moving and the box cutter was on the ground within his reach, so he ordered the officers to kick the knife away. According to Officer Bernd, the box cutter was a few inches from Medina, so he kicked the box cutter away from Medina's reach, because the officers needed to handcuff Medina.

Officer Zamorano's BWV captured her move around the police vehicle to view Medina, and then ask the officers, "*Regular shots fired or beanbag?*" Officer Bernd responded, "*shots fired*" and Officer Rodriguez responded, "*beanbag.*" In response, Officer Zamorano broadcasted a help call on Northeast Division Frequency.

Officer Zamorano directed the officers to roll Medina over onto his stomach and handcuff him. Officer Martinez grabbed Medina's right shirt sleeve and rolled him over his left side and onto his stomach. Officer Guerrero's BWV captured Officer Cervantes holster his pistol and move in to assist handcuffing Medina.

As Medina was being rolled onto his stomach, Officer Zamorano held her pistol in a one-handed grip, down to her right side, grabbed Medina's right arm with her left hand, and assisted Officer Martinez. Officer Guerrero's BWV captured Officer Zamorano holster her service pistol after she helped roll Medina over. Officer Guerrero holstered her service pistol as she walked closer to Medina. Officer Zamorano then ordered

Officer Guerrero to put gloves on prior to handcuffing Medina. Officer Rodriguez slung the beanbag shotgun over his right shoulder as officers were handcuffing Medina.

At approximately 12:24:29 hours, Officer Zamorano broadcasted a request for a rescue ambulance (RA) to respond and treat Medina.

**Note:** According to Officer Zamorano, she broadcasted a request for an RA after Medina was handcuffed.

Officer Guerrero did not don gloves, and instead gave her set of handcuffs to Officer Cervantes. Officer Cervantes then handcuffed Medina's right wrist and both Officers Cervantes and Martinez handcuffed Medina's left wrist. According to Officer Martinez, he holstered his service pistol prior to handcuffing Medina.

According to Officer Bernd, he remained unholstered with his service pistol, providing lethal cover while Medina was handcuffed. Officer Bernd holstered his service pistol after Medina was handcuffed. Officer Zamorano broadcasted that all officers were accounted for, and that Medina was in custody over Northeast Division Frequency.

Officer Zamorano's BWV captured her ask, "*who shot?*" Officer Bernd answered that he shot and Officer Rodriguez stated he discharged the beanbag shotgun. Officer Zamorano then counted the total number of officers at scene and remarked that they would need six supervisors to their location. She then broadcasted a request for supervisors to respond to their location.

Officer Bernd's BWV captured Officer Martinez order Officer Rodriguez to clear a path for an RA. As Officer Rodriguez jogged back to his vehicle, Officer Bernd directed Officer Rodriguez to put the beanbag shotgun away and move their police vehicle. Officer Rodriguez' BWV captured him place the beanbag shotgun in the trunk and move the vehicle to the west side of Edenhurst Avenue, facing north.

**Note:** According to Officer Rodriguez, he did not know who ordered him to move his vehicle.

Northeast Division, Narcotics Enforcement Detail, Detective III Arturo Koenig, Serial No. 30289, Unit 11N60 watch 5, was the first supervisor to arrive at scene. He wore plain clothes and drove an unmarked, white, Toyota Tacoma, police vehicle. Detective Koenig responded to the backup request over Northeast Division Frequency, which was upgraded to a help call prior to his arrival. Detective Koenig was accompanied by Northeast Division, Narcotics Enforcement Detail, Police Officer II Francisco Ortiz, Serial No. 39831, Unit 11N64 watch 5. Officer Ortiz also wore plain clothes and drove his own unmarked police vehicle. Soon after Officer Ortiz' arrival, he took a position on



the perimeter near Dover Street and Edenhurst Avenue, blocking vehicle and pedestrian traffic from entering the crime scene.<sup>9</sup>

According to Detective Koenig, upon his arrival he directed an officer to establish a crime scene log and he determined Officer Bernd was the officer who discharged his pistol. Detective Koenig then went to his vehicle and retrieved his Field Officer's Notebook that contained the Public Safety Statement (PSS) questions. He then returned to Officer Bernd, separated him from the other officers, directed him to turn off his BWV camera, and obtained a PSS. According to Detective Koenig, he later collected Officer Bernd's BWV camera. Detective Koenig further stated that he was the Incident Commander, since he was the first supervisor at scene; however, he did not verbally declare it. Detective Koenig stated he did not admonish the other officers at scene not to discuss the incident.

Officer Zamorano's BWV captured her initially ask Officer Bernd if he had a medical kit for Medina, but then moments later she directed Officer Guerrero to get her medical supplies. According to Officer Guerrero, she went to the trunk of her police vehicle and retrieved and an Individual First Aid Kit (IFAK). She then returned and removed the chest seals from the IFAK. Officer Guerrero took the chest seals out of the packaging and handed one of the seals to Officer Cervantes. Officer Guerrero then put on latex gloves. Officer Cervantes moved Medina's outer shirt to expose the gunshot wound on his upper chest. He then applied the chest seal over Medina's chest wound.

**Note:** According to Witness Andrew Castellon, none of the officers applied pressure to Medina's wound and just let Medina bleed out. Castellon also believed that the box cutter was grey.

According to Witness Dipti Singh, she did not believe the officers offered any medical assistance to Medina.

Sergeant Sanchez arrived at scene shortly after Detective Koenig. Upon his arrival, Sergeant Sanchez' BWV captured him meet with Officer Zamorano, who informed him that Officer Bernd fired one round, Officer Rodriguez discharged a beanbag shotgun, and there was a total of six officers involved in the incident. Sergeant Sanchez then briefly spoke with Detective Koenig, who informed Sergeant Sanchez that he was taking a PSS from Officer Bernd. Sergeant Sanchez informed Detective Koenig that he (Sergeant Sanchez) needed to secure the crime scene (Investigators' Note No. 1).

Sergeant Sanchez then approached Officers Cervantes, Martinez, Zamorano, and Guerrero who were all standing near Medina's body. Sergeant Sanchez identified that the officers were percipient witnesses to the OIS, and ordered them to stay in place and stand by for the RA. According to Sergeant Sanchez, he advised officers at scene to

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<sup>9</sup> It was determined that Officer Ortiz did not have a substantial role in the incident and arrived at scene after the shooting occurred, therefore he was not formally interviewed by FID.

clear a path for the RA and then directed officers at the scene to set up and inner and outer perimeter with crime scene tape. Sergeant Sanchez was then directed by officers to Witness Charles Dickson, who was reported to be leaving the scene in a short time. Sergeant Sanchez' BWV captured him conduct an interview of Dickson and obtain his information (Investigators' Note No. 2).

**Note:** According to Sergeant Sanchez he completed a field interview card on Dickson.

Northeast Division, Assistant Officer- in- Charge of Detectives, Lieutenant I Richard Parks, Serial No. 26501, also responded to the scene. Lieutenant Parks walked near the crime scene and motioned to Officers Cervantes and Martinez and determined that Officer Bernd was the involved officer. Lieutenant Parks then located Officer Bernd and Detective Koenig and made sure a PSS had been given and Officer Bernd had been separated, which he had. Lieutenant Parks also located Officer Rodriguez, who he noted had been separated.

**Note:** According to Lieutenant Parks, he believed Officer Rodriguez' name was Officer Cervantes.

As Officers Cervantes, Martinez, Zamorano, and Guerrero stood together near Medina's body and waited for the RA, they had a brief conversation with each other in regard to their positioning and how the incident unfolded. According to Officer Cervantes, he believed that as the primary unit assigned to the call, he would need to have enough knowledge of the incident to later relay to a supervisor. According to Officer Martinez, his adrenaline was going, and he was trying to gather potential information for a supervisor.

At approximately 1234 hours, Los Angeles Fire Department, RA No. 35 with Firefighter/ Paramedics (FF/PM) Tyrone Hurst and Bruce Buddemeyer, arrived at scene. FF/PM Buddemeyer determined Medina to be dead at 1238 hours.

Lieutenant Parks met Sergeant Sanchez and directed him to administer a PSS to Officer Rodriguez, which he did.

Officer Martinez' BWV captured Northeast Division Detectives, Detective III Jeana Franco, Serial No. 30632, walk to the edge of the inner perimeter and meet with Officers Cervantes and Martinez. Detective Franco then ordered them to be separated. Officer Martinez obtained personal belongings from his police vehicle, and then exited the inner perimeter and met with Lieutenant Parks. Lieutenant Parks ordered Officer Martinez to turn off his BWV. According to Lieutenant Parks, he administered a PSS to Officer Martinez. Officer Cervantes' BWV captured Officer Cervantes obtain personal belongings from his police vehicle and then stand near uniformed Sergeant II Ruben Arellano, Serial No. 32338, Officer-in-Charge, Northeast Area Community Relations Office, Unit 11CRO10 watch 4, inside the inner perimeter.

**Note:** Detective Franco and Sergeant Arellano each responded to the help call request. Neither witnessed the OIS. It was determined that no additional investigative insight would be gained by interviewing them; therefore, they were not interviewed.

Officer Zamorano's BWV captured her instruct Officer Guerrero to use her cellular phone and call a loved one to tell them she was involved in an OIS and that she would be busy for an extended period of time. Officer Zamorano then made her own telephone call and stated she was involved in OIS, but she and her partner did not fire their weapons. She added that there were six officers involved, she would be occupied with the investigation for an extended period of time, and that she couldn't give further details due to being on camera. Officer Guerrero's BWV captured her make a telephone call and state she was involved in an OIS, but she didn't fire her weapon. Officer Guerrero added that Medina was deceased, and she was going to be late (Investigators' Note No. 3).

Northeast Division Detectives, Detective III Kirby Carranza, Serial No. 27570, entered the inner perimeter and met with Officers Zamorano and Guerrero, who were still standing near Medina's body. Detective Carranza confirmed Officers Zamorano and Guerrero witnessed the incident and then informed them Lieutenant Parks wanted them separated. He then escorted Officers Zamorano and Guerrero out of the inner perimeter. Lieutenant Parks later directed Sergeant I Roselena Mejia, Serial No. 35943, to administer a PSS to Officer Guerrero and Sergeant I Jose Gomez, Serial No. 33330, to administer a PSS to Officer Zamorano, which they did respectively.

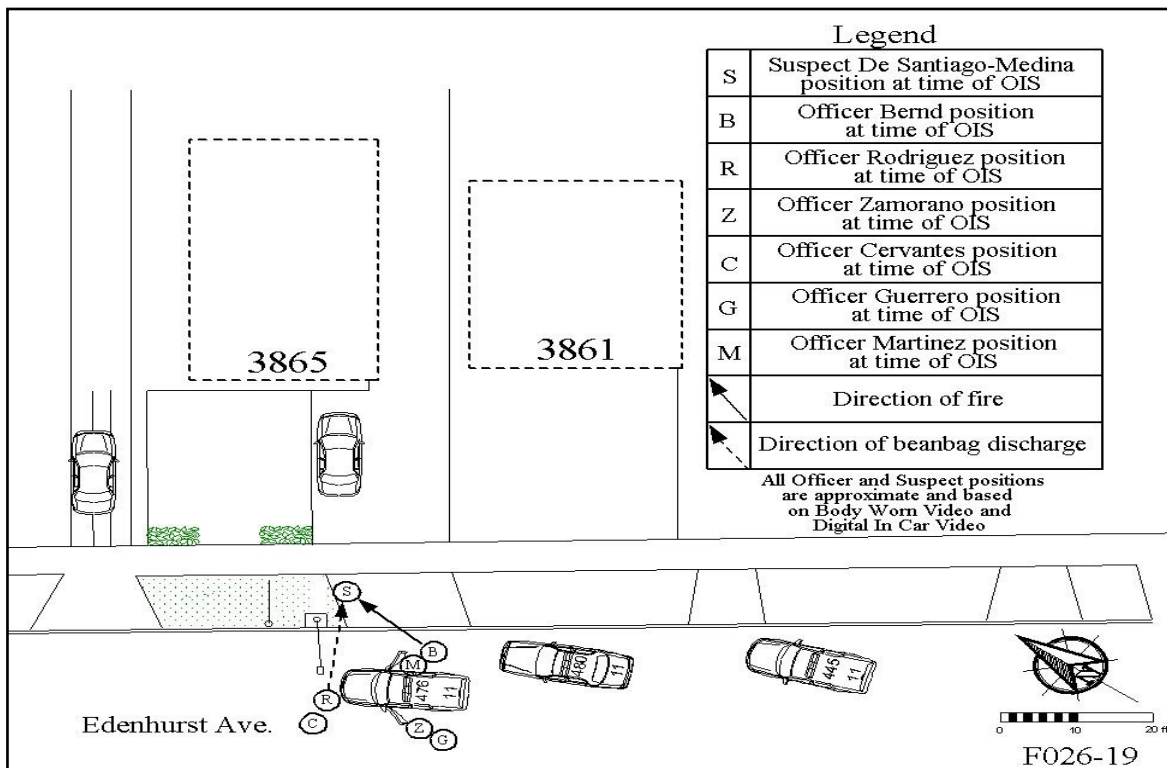
**Note:** Detective Carranza, Sergeant Mejia, and Sergeant Gomez each responded to the help call request. None of them witnessed the OIS. It was determined that no additional investigative insight would be gained by interviewing them; therefore, they were not interviewed.

Force Investigation Division (FID) Detective II Brad Michel, Serial No. 36782, reviewed all documents and circumstances surrounding the separation and monitoring of the involved officers (Addendum No. 1) (Investigators' Note No. 4).

### **Scene Description**

The Officer-Involved Shooting occurred on the sidewalk in front 3865 Edenhurst Avenue, which is located in a residential neighborhood in the Atwater Village area of Los Angeles. Edenhurst Avenue is a north and south roadway with one lane of traffic in each direction and parking along the west and east curb. Edenhurst Avenue is bordered by Dover Street to the north and Gardenside Lane to the south.

The incident occurred during daytime hours, at approximately 1223 hours. The weather conditions were dry and clear. Due to the incident occurring during daytime hours, lighting conditions were not a factor.



### **Canvass for Witnesses**

On June 6, 2019, FID and Northeast Division personnel canvassed the area near 3865 Edenhurst Avenue. The parameters of the canvass were both sides of Edenhurst Avenue from Dover Street to the north and Appleton Street to the south. Witness information was turned over to FID investigators for further investigation, and several witnesses were later interviewed. Their transcribed statements are contained in this report.

On June 27, 2019, FID detectives conducted a secondary canvass of the area near 3865 Edenhurst Avenue. The parameters of the canvass were both sides of Edenhurst Avenue from Dover Place to the north and Appleton Street to the south. Witness Gregory Reveret was located and interviewed. Unless otherwise noted, the statements of all witnesses were recorded and transcribed and are contained in the FID casebook.

### **Suspect Information**

**Jose Antonio De Santiago-Medina** was a male Hispanic with gray hair and brown eyes. At the time of this incident, he was 5 feet 9 inches tall, weighed 179 pounds, and was 59 years old, with a date of birth of September 12, 1959. He was identified by CII No. H09881751 and California Driver License No. C4890908. Medina did not have any criminal convictions. Medina was not on parole or probation at the time of the incident. He was not the subject of any LAPD Mental Evaluation Unit (MEU) contacts and did not belong to a criminal street gang (Addendum No. 2).

According to Witness Marilu Hinojosa, Medina's wife, Medina had recently been suffering from hallucinations and was paranoid. Medina was under a doctor's care but had not yet been diagnosed with a mental illness. Hinojosa further stated that Medina had only been prescribed sleeping medication.

Detective Michel completed an Investigative Report (IR), naming Medina as a suspect of Assault with Deadly Weapon on a Police Officer, under DR No. 1911-11932, and an Investigative Report for an Assault with a Deadly Weapon, with a Box Cutter, naming Yassine Belhadi as a victim, DR No. 1911-11934, and Armando Alaniz as a victim, DR No. 1911- 11935 (Addendum No. 3).

### **Injuries**

At approximately 1234 hours, Los Angeles Fire Department, RA No. 35 with Firefighter/ Paramedics (FF/PM) Tyrone Hurst and Bruce Buddemeyer, arrived at scene. FF/PM Buddemeyer determined Medina to be dead at 1238 hours.

### **Evidence**

On June 6, 2019, at approximately 1805 hours, Forensic Science Division (FSD), Firearms Analysis Unit (FAU) Supervising Criminalist Rafael Garcia, Serial No. G9120, and Criminalist II Matthew Saucedo, Serial No. N4688, responded and conducted an examination of the OIS scene for ballistic impacts, trajectories and projectiles. As a result of their examination, evidence was booked at the Forensic Science Center (FSC) in conjunction with this crime scene investigation (Addendum No. 4).

Items collected from the scene included a box cutter (item 1), a metal rod (item 2), a discharged cartridge case (item 3), a discharged shot shell (item 4), a mechanical pencil (item 5), a beanbag (item 6), and a wad (item7).

On June 11, 2019, Criminalist II Jack Seror, Serial No. N4571, conducted a test fire of Officer Bernd's weapon, which resulted in several items being collected and booked. The following items were booked: four discharged cartridge cases (item 14), four fired bullets (item 15), a live cartridge (item 16), and twelve live cartridges (item 17).

On June 14, 2019, Criminalist Saucedo collected a swab (item 8) of a red stain from the above- mentioned box cutter.

On June 27, 2019, Detective Michel received and booked evidence, collected during the post-mortem medical examination of Medina's remains, from the Los Angeles County Department of Medical Examiner-Coroner's Office. Included in the evidence were a bloodstain card (item 9), a hair kit (item 10), projectile evidence (item 11), a fingernail kit (item 12), and a Coroner's Kit (item 13).

A total of 17 items were booked in conjunction with this incident (Addendum No. 5).

## **Coroner's Investigation**

### **Coroner's Response**

On June 6, 2019, at approximately 1511 hours, the Los Angeles County Department of Medical Examiner-Coroner's Office was notified of Medina's death.

At approximately 1919 hours, Coroner Investigator Jennifer Hertzog arrived at scene and conducted an investigation (Addendum No. 6).

**Note:** The Coroner Investigator's Narrative Report, Scene Description, erroneously documented Officer Bernd's service pistol with Serial No. GSK707. The investigation determined Officer Bernd's service pistol Serial No. was GKW707.

The report also erroneously indicated that the fire department found Medina in a prone position and moved him into a supine position to render aid.

At approximately 2040 hours, Medina's remains were transported to the Los Angeles County Department of Medical Examiner-Coroner in preparation for his post-mortem examination.

### **Autopsy**

On June 8, 2019, Los Angeles County Department of Coroner, Associate Deputy Medical Examiner, Doctor Zuhha Ashraf performed a post-mortem examination of Medina's remains. Force Investigation Division Detectives II Brad Michel, Serial No. 36782, and Joseph Vasquez, Serial No. 35412, and Los Angeles County District Attorney's Office Investigator Katie Hansen were present during the examination. Doctor Ashraf ascribed the cause of death as a gunshot wound of the chest and classified the manner of death as homicide.

**Note:** The autopsy report, Summary and Opinion, erroneously indicated Medina initially obeyed law enforcement instructing him to drop the knife.

There was no soot, unburned gunpowder particles, or stippling visible on Medina's skin surrounding the wound. The bullet entered the chest which perforated the heart, left lung, pulmonary artery, aorta and ribs. The bullet traveled front to back, right to left and downward. The bullet (item 11) was recovered from the superficial soft tissue in Medina's left- mid back.

Doctor Ashraf also noted a circular contusion on Medina's right upper chest, in addition to abrasions on his eyelid, knee, and hand. Contusions were also noted on Medina's wrists, hand, and buttock (Addendum No. 7).

## Toxicology

Doctor Ashraf obtained samples of chest blood, femoral blood, urine, and vitreous for toxicological analysis. On July 5, 2019, a Laboratory Analysis Summary Report was finalized by Los Angeles County Department of Coroner Supervising Criminalist I Sarah Buxton de Quintana. The initial drug screening of Medina's chest blood showed a presumptive positive for benzodiazepines; however, the final drug screen confirmation of Medina's chest blood determined there were no basic drugs or benzodiazepines detected (Addendum No. 8).

## Weapons



**Jose Antonio De Santiago-Medina** was armed with box cutter with a yellow handle and an exposed fixed blade, approximately one inch in length.

On June 14, 2019, Criminalist Saucedo swabbed the box cutter, and booked the swab (item 8). Based on the fact neither of the victims reported being cut, and Medina was seen on BWV holding the box cutter prior to the OIS, DNA analysis of the swab was not requested because it did not provide any additional investigative insight. The swab was retained for future testing if later requested (Addendum No. 9).

**Officer Bernd** was armed with his Department-authorized Glock, 45 caliber, Model 21 semi- automatic pistol. The capacity of the weapon, when fully loaded, is thirteen rounds in the magazine and one round in the chamber for a total of 14 rounds.

On June 6, 2019, at approximately 1815 hours, Detective Michel conducted a post-incident examination of Officer Bernd's service pistol. He determined that the firearm was loaded with one round in the chamber and 12 rounds in the magazine, for a total of thirteen rounds, of Federal Premium, 45 ACP Auto, 230 grain HST, jacketed hollow point ammunition. The second magazine that was in Officer Bernd's magazine pouch was loaded with thirteen rounds of Federal Premium, 45 ACP Auto, 230 grain HST, jacketed hollow point ammunition. The third magazine that was in Officer Bernd's magazine pouch was loaded with eleven rounds of Federal Premium, 45 ACP Auto, 230 grain HST, jacketed hollow point ammunition.

**Note:** According to Officer Bernd, he believed that all three of his magazines were loaded to capacity after his last firearms qualification, approximately one month prior. Officer Bernd was unaware that the third magazine was loaded with eleven rounds and believed that he miscounted when loading the magazine.

This information was consistent with the physical and video evidence which indicated that Officer Bernd discharged one round.

Officer Bernd's pistol was entered into the LAPD's Firearm Inventory Tracking System (FITS) on October 12, 2004.

On August 6, 2019, Criminalist Seror finalized a laboratory report documenting the test firing of Officer Bernd's service pistol. The pistol was found to be functional and the trigger pull value was within the Department Armory's established range (Addendum No. 10).

**Officer Rodriguez** was armed with a Department approved beanbag shotgun, Serial No. D718991M. During the incident, Officer Rodriguez discharged one super-sock round from the beanbag shotgun.

On June 7, 2019, Department Armorer, Police Officer III Mark Dain, Serial No. 35634, inspected the beanbag shotgun and found it functioned properly and to be within Department specifications (Addendum No. 11).

### **Firearms Analysis**

On August 14, 2019, Criminalist III Brian Reinarz, Serial No. N5624, finalized a laboratory report documenting a type and caliber analysis. Criminalist Reinarz determined that the projectile evidence (item 11) that was removed from Medina's remains exhibited characteristics consistent with the fired bullets (item 15) that had been test fired from Officer Bernd's service pistol (Addendum No. 12).

On August 28, 2019, Criminalist II Daniel Rubin, Serial N. G9077, finalized a laboratory report documenting comparison analysis of a discharged cartridge case (item 3) recovered from the crime scene and determined it was fired from the same firearm that discharged the cartridge cases (item 14) from the test fire of Officer Bernd's service pistol (Addendum No. 13).

### **VISUAL DOCUMENTATION**

#### **Digital In-Car Video System (DICVS)**

The DICVS for Officers Bernd and Rodriguez, Unit 11A25, Shop No. 89480, recorded one video which captured the OIS.

The DICVS for Officers Zamorano and Guerrero, Unit 11A51, Shop No. 80445, recorded one video which captured the OIS.

The DICVS for Officers Cervantes and Martinez, Unit 11A1, Shop No. 81476, recorded one video which captured, the discharge of the beanbag shotgun.

Force Investigation Division Detectives reviewed all the DICVS of the responding units from Northeast Division, which contained no additional investigative insight.



## **Body Worn Video (BWV)**

Officer Bernd and Martinez' BWVs captured the Officer Involved Shooting, as well as the beanbag round striking Medina.

Officer Rodriguez and Cervantes' BWVs captured Medina arming himself, and the deployment of the beanbag shotgun.

Officer Guerrero and Zamorano's BWVs captured the handcuffing of Medina (Investigators' Note Nos. 5, 6 and 7).

Additional Northeast Patrol Division uniformed police officers activated their BWV while en route to the incident; however, none captured any of the OIS. These videos did not provide any additional investigative insight.

## **Social Media**

Personnel assigned to FID's Cyber Unit monitored social media sites from the date of the incident until the submission of this investigation. No additional evidence, information or witnesses were identified.

## **Other Department Video**

There are no other Department videos of this incident.

## **Outside Video**

On June 6, 2019, Police Surveillance Specialist I Hardy Muller, Serial No. N2941, Technical Investigation Division (TID), responded and downloaded surveillance footage from 3851 Edenhurst Avenue. Two exterior camera views were downloaded; however, neither captured the OIS. Some of the officers' and Medina's actions before and after the incident were captured. Specialist Muller determined that the cameras were set for motion activation, and therefore did not capture the incident in its entirety. The video was stored under Digital Control Number 741039.

Specialist Muller downloaded two exterior cameras surveillance footage from 3841 Edenhurst Avenue. One of the cameras captured the OIS from a distance. Specialist Muller determined the timestamp on the video was approximately 16 hours faster than actual time. The video was stored under Digital Control Number 741040.

On June 6, 2019, FID detectives met with Victim Yassine Belhadi who supplied a cellular phone video that he recorded of the OIS. The video was filmed by Belhadi, who was standing just south of the intersection of Edenhurst Avenue and Dover Street. The video captured a brief portion prior to the OIS as Medina was standing on the sidewalk with his arms outstretched and captured the Officer-Involved Shooting. The video was

later transferred to a compact disc, stored under Digital Control Number 729454, and is contained in the FID case file.

**Note:** Victim Armando Alaniz and Witnesses Nigel Bruce and William Gorman can be seen watching the OIS in this cell phone video. These individuals were all interviewed by FID investigators.

On June 6, 2019, FID detectives met with Victim Armando Alaniz who supplied a cellular phone video that he recorded during the incident. The video did not have a timestamp. The video was filmed by Alaniz who was standing just south of the intersection of Edenhurst Avenue and Dover Street. The video captured a brief portion prior to the OIS as Medina was standing on the sidewalk with his arms outstretched. The video did not capture the OIS. The video was later transferred to a compact disc, stored under Digital Control Number 659494, and is contained in the FID case file.

On June 7, 2019, FID Detective II Christopher Linscomb, Serial No. 32289, received a clip of surveillance video from an exterior camera on the porch of 3878 Edenhurst Avenue. The video was sent by the homeowner, Witness Charles Dickson. The video did not have a timestamp. The video depicted a metal rod (item 4) thrown onto the porch, then Medina entered the porch area and utilized a different metal rod to overhead strike the front of the residence. Medina then left the porch, headed toward the street. The video was later transferred to a compact disc, stored under Digital Control Number 729436, and is contained in the FID case file.

## **Photographs**

On June 6, 2019, Photographer III Andrew Millet, Serial No. N3782, TID, photographed the crime scene and associated evidence under Digital Control Numbers 0769625 and 0769626.

Victim Alaniz supplied FID detectives with a digital photograph that he took with his cellular phone depicting Medina standing with his hands up on the sidewalk and the officers on the street prior to the OIS. The photograph was later transferred to a compact disc, stored under Digital Control Number 659494, and is contained in the FID case file.

Witness Dipti Singh supplied FID detectives with two digital photographs that she took with her cellular phone depicting officers standing outside of her residence. The photographs were later transferred to a compact disc, stored under Digital Control Number 312891, and is contained in the FID case file.

Witness Matthew Boelk supplied FID detectives with three digital photographs that he took with his cellular phone depicting the crime scene canopy with Medina under it and the crime scene clean up service cleaning the street. The photographs were later transferred to a compact disc, stored under Digital Control Number 312890, and is contained in the FID case file.

On June 12, 2019, Detective Kim responded to FSD/ FAU and took additional photographs of the box cutter. The photographs were later transferred to a compact disc, stored under Digital Control Number 312892, and is contained in the FID case file.

### **Notifications**

At approximately 1248 hours, Department Operations Center (DOC) was notified of the Categorical Use of Force by Northeast Area Commanding Officer Arturo Sandoval (Addendum No. 14).

### **Personnel at Scene**

Force Investigation Division Sergeant II Richard Brunson, Serial No. 32828, was the first FID personnel to arrive, at approximately 1345 hours. Crime scene logs documenting additional personnel at the location are contained within the FID case file and are available for review.

### **Communications**

A copy of the Communications Division (CD) printout and master recording for Incident Nos. 190606002569 and 190606002580, including Northeast Division Frequency, have been stored at FID (Addendum No. 15).

### **Justice System Integrity Division**

This case met the criteria for presentation to the Justice System Integrity Division (JSID) and will be presented by FID detectives upon completion of their investigation.

### **Investigator's Notes**

1. Sergeant Sanchez did not go code six when he arrived at scene. According to Sergeant Sanchez, he did not go code six because of the *"fluidity of the tactical situation."*
2. Sergeant Sanchez, upon his arrival to the incident, identified percipient witness officers to the OIS and advised them to remain in place but did not order them not to discuss the incident. Sergeant Sanchez then secured the scene and conducted an interview with a civilian witness (who was wanting to leave the scene to catch a flight out of town). It did not appear that Sergeant Sanchez attempted to get a supervisor to monitor the percipient officers prior to the witness interview.
3. Officers Zamorano and Guerrero were captured on BWV making telephone calls to loved ones, advising them they were involved in an OIS. These calls were not made in the presence of a supervisor, and they were made prior to the officers being separated and admonished not to discuss the incident.

4. The investigation revealed the following issues regarding the documentation of the separation and monitoring of the officers:
  - Lieutenant Keith Green's, Serial No. 31567, Watch Commander's log did not document the separation and monitoring of Officer Rodriguez.
  - Sergeant Arellano's Sergeant's Daily Report noted that Officer Rodriguez was picked up for a walk- through at 1900 hours; however, no walk-through was conducted with Officer Rodriguez.
  - Sergeant Mejia's Sergeant's Daily Report indicated she monitored Officers Zamorano and Guerrero until she was relieved by FID; however, no end time was indicated. Detective Robert Castaneda's, Serial No. 26722, Sergeant's Daily Report also indicated that he monitored Officer Guerrero from 2045 hours to 2230 hours, until he was relieved by FID.
5. The investigation revealed Officers Bernd, Rodriguez, Martinez, and Zamorano each activated their BWV cameras shortly after turning the camera on from the off position, which did not allow the camera to record a full two-minute buffer.
6. The investigation revealed Officer Guerrero activated her BWV camera shortly after turning the camera on from the off position, which did not allow the camera to record a full two-minute buffer. On the day of the incident, Officer Guerrero was a probationary officer assigned to the field for approximately four weeks, which is within the 90- day transition period.
7. The investigation revealed Sergeant Sanchez did not activate his BWV camera until he arrived at scene, which resulted in his code three response only being captured by the two- minute buffer. A review of Sergeant Sanchez' Sergeant's Daily Report revealed, he noted the late BWV activation.

Office of Operations Director, Assistant Chief Robert Arcos, Serial No. 26185, was notified of the above-mentioned issues.

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## **Chief of Police report**<sup>10</sup>

### **Chief of Police Findings**

**Tactics** – Tactical Debrief, Officers

**Drawing/Exhibiting** – In Policy, No Further Action, Officers

**Non-Lethal Use of Force** – In Policy, No Further Action,

**Less-Lethal Use of Force** – In Policy, No Further Action,

**Lethal Use of Force** – In Policy, No Further Action, Officer

### **Chief of Police Analysis**

#### **Findings**

**Tactics** – Tactical Debrief, Officers Cervantes, Martinez, Bernd, Rodriguez, Zamorano, and Guerrero.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Cervantes, Martinez, Bernd, Zamorano, and Guerrero.

**Less-Lethal Use of Force** – In policy, No Further Action, Officer Rodriguez.

**Lethal Use of Force** – In Policy, No Further Action, Officer Bernd.

#### **Analysis**

#### **Detention**

The involved officers responded to two radio calls involving a man armed with a knife. The officers spoke with the victims of the radio calls and verified that a crime had occurred. The victims directed the officers toward Medina's last location. The officers located the suspect and conducted a high-risk pedestrian stop and proceeded to order Medina to the ground. As officers continued to provide orders in English and in Spanish to the suspect, Medina reached into his rear waistband and armed himself with a box cutter. Medina charged at the officers with the box cutter in his hand, resulting in a less-lethal use of force and an OIS. The officers' actions were appropriate and within Department policies and procedures.

#### **Tactics**

- Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

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<sup>10</sup> The information provided in this section summarizes the analysis and findings set forth in the Chief of Police's report for this case.

Department policy relative to Administrative Disapproval is: *“A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training”* (Los Angeles Police Department Manual, Volume 3, Section 792.05).

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### Tactical De-Escalation

- *Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

### Tactical De-Escalation Techniques

- **Planning**
- **Assessment**
- **Time**
- **Redeployment and/or Containment**
- **Other Resources**
- **Lines of Communication** (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers Cervantes and Martinez had worked together multiple times in the past and had addressed general tactics including contact cover roles, foot pursuits, traffic stops, and suspects armed with handguns and knives. While enroute to the radio call, Officers Cervantes and Martinez discussed keeping distance from Medina and that Officer Cervantes would be the contact officer. Officer Martinez was designated as the officer who would deploy the 40mm LLL, if necessary. Additionally, both officers donned latex gloves in the event they would have to make physical contact with Medina. While enroute to the radio call, Officer Bernd designated himself as the lethal cover officer and Officer Rodriguez as the less-lethal cover officer with a beanbag shotgun. Officer Zamorano and Guerrero discussed tactics while enroute to the radio call and determined that Officer Zamorano would be the cover officer and Officer Guerrero would be the contact officer if they were the first to arrive and contact Medina.

Additionally, Officer Zamorano and Guerrero determined that they would deploy a beanbag shotgun if one had not yet been deployed.

While the officers planned for their initial response to the incident, additional planning for other possibilities, such as a containment perimeter if Medina attempted to leave the densely residential area, would have been preferred. The UOFRB noted that while the officers focused on Medina's actions, the incident would have benefitted from additional planning for other possible outcomes.

**Assessment** – Officer Cervantes assessed the tactical situation immediately after conducting his pedestrian stop on Medina. Officer Cervantes requested Officers Bernd and Rodriguez to deploy a 40mm LLL<sup>11</sup> due to Medina not immediately complying with the commands being provided by Officer Martinez, and the likelihood that Medina was armed with a box cutter. Both Officers Bernd (service pistol) and Rodriguez (beanbag shotgun) utilized fire control, immediately assessing after the round each fired to determine if Medina still presented an imminent threat. Officer Cervantes continued to assess after the OIS and directed officers to move the box cutter away from where it landed due to its close proximity to Medina's body. Officer Zamorano assessed the tactical situation immediately after the OIS and directed officers to handcuff and take Medina into custody as he was in close proximity to them and unsecured. Additionally, she requested an RA for Medina and determined that an OIS had occurred in addition to the discharge of a beanbag shotgun.

**Time** – Officers Cervantes and Martinez, after initiating their pedestrian stop on Medina, attempted to communicate with him in both English and Spanish while also maintaining their distance. As units arrived, a beanbag shotgun was deployed as an additional de-escalation tool to gain more time to safely resolve the incident. Medina, suddenly and without warning, rapidly escalated the incident, by reaching into his rear waistband and arming himself with a box cutter. Medina charged at Officers Martinez and Bernd who were positioned on the passenger side of Officer Cervantes' police vehicle. Medina held the box cutter pointed towards Officers Martinez and Bernd, in his left hand, as he charged towards them. Medina travelled approximately 18 feet in approximately two seconds. Officer Rodriguez stated he fired his beanbag shotgun from the driver's side of Officer Cervantes' police vehicle to stop the immediate deadly threat posed by Medina. Officer Bernd stated he fired his service pistol to protect himself and Officer Martinez from the deadly threat Medina presented. Medina's actions did not afford the officers any additional time to respond to his deadly actions, which reduced the time they had to respond, and significantly limited their tactical options.

**Redeployment and/or Containment** – Officers Cervantes and Martinez met with both Victims Alaniz and Belhadi upon their arrival in the area of the radio call and verified that Medina was armed with a box cutter and had attempted to assault both of them. After

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<sup>11</sup> Officer Cervantes requested for Officers Bernd and Rodriguez to deploy a 40mm LLL. Officer Rodriguez deployed a beanbag shotgun instead, due to not having a 40mm LLL in their vehicle.

locating Medina, Officer Cervantes observed a female, later identified as Witness Sanchez, in close proximity to Medina. Based on the threat officers believed Medina presented to Sanchez and the community, they immediately stopped their police vehicle and attempted to detain Medina, which did not allow for containment to be properly established. While attempting to communicate with Medina and having him place himself into a prone position, Medina armed himself with a box cutter and charged Officers Martinez and Bernd. Due to the speed in which Medina closed distance on Officers Martinez and Bernd, the officers had an extremely limited time in which to react to the lethal threat presented to them. Medina's actions, in which he rapidly closed to an unsafe distance armed with a box cutter, did not allow space for Officers Martinez or Bernd to redeploy from their positions.

Officers Zamorano and Guerrero initially took cover behind Officer's Bernd and Rodriguez police vehicle, however they redeployed to the driver's side of Officer's Cervantes and Martinez police vehicle in order to place themselves in a more advantageous tactical position and to provide assistance.

**Other Resources** – Due to the nature of the radio calls, additional units broadcast they were responding to the radio call to support Officers Cervantes and Martinez. When Officers Cervantes and Martinez initially made contact with Medina, they did not observe Medina armed with a weapon, but believed he was possibly armed. They attempted to communicate with him and direct him to the ground. Less-lethal force options were considered, and a beanbag shotgun was deployed by Officer Rodriguez upon the request of Officer Cervantes. Officers Zamorano and Guerrero observed that Officer Rodriguez had already deployed a beanbag shotgun and made the determination not to deploy an additional less-lethal option at the time. Medina armed himself with a box cutter, ignored verbal commands to de-escalate, and charged the officers. Officer Rodriguez fired his beanbag shotgun and Officer Bernd fired his service pistol in response to Medina's lethal threat. Additionally, Officer Zamorano requested an RA to respond immediately after the OIS for Medina's injuries.

The UOFRB noted that while Officer Rodriguez deployed a beanbag shotgun, it would have been preferable for the deployment of an additional less-lethal force option. This would have been beneficial due to Medina being on the move and the unpredictable nature of his movements and changing of directions. This would have allowed for additional tactical options during the incident. It was noted that due to the rapid escalation of the incident by Medina and the reduction of the time available to the officers, the deployment of other force options was limited. Although there was a 40mm LLL located inside one of the police vehicles at the location, due to the proximity of the suspect and the rapid escalation of the incident, it was understandable that the 40mm LLL was not deployed due to the initial inability of the officers to access it. The officers were equipped with TASERS if the circumstances required the deployment of one. The incident may have also benefitted from the request for an air unit to respond to the location. This would have allowed for additional coordination of resources and also the tracking of Medina if he had gone mobile and attempted to leave the area.



**Lines of Communication** – Throughout the incident, officers utilized open lines of communication. Officers Cervantes and Martinez initially opened lines of communication with Officers Bernd and Rodriguez informing them of the crime that occurred and the weapon used based on the information they received from Victims Alaniz and Belhadi. Officers Cervantes and Martinez communicated to each other their observation of Medina walking north on the east side of Edenhurst Avenue. They communicated to Officers Bernd and Rodriguez to turn their police vehicle around to assist them with a possible suspect. Officers utilized both English and Spanish commands to direct Medina to the ground. Additionally, officers attempted to communicate with Medina as he aggressively reached in the rear of his waistband to arm himself with a box cutter. Officers ordered Medina to put his hands up and “Stop” prior to the OIS occurring.

The UOFRB noted, and the Chief concurred, that due to the rapidly unfolding nature of this incident, the responding officers had limited time to react to the deadly actions of Medina. Officer Cervantes stated he observed Medina appear to be making contact with a female citizen (Witness Sanchez) and immediately attempted to detain him based on the crimes he had committed and his continuing danger to the community. Officers Cervantes and Martinez attempted to de-escalate the encounter by communicating with Medina in both English and Spanish in order to gain compliance and allow additional time to calmly resolve the incident. Officers also deployed a less-lethal force option in the event it became necessary. However, Medina suddenly and unexpectedly armed himself with a box cutter and began to charge at officers. The aggressive actions and lethal threat presented by Medina, extremely limited the time and options officers had, and forced them to react to the imminent lethal threat presented to them. Officers were required to make decisions that balanced the safety of the community and their own welfare while presented with an imminent lethal threat.

During the review of the incident, the following Debriefing Topics were noted:

### **Debriefing Point No. 1     Utilization of Cover**

- *“Cover” is a term often associated with combat tactics. Under such conditions, **cover** refers to anything that may stop or deflect an opponent’s weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.) (California Commission on Peace Officers Standards and Training, Learning Domain 21).*

*There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect’s space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department*

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options.

Officer Cervantes left a position of cover when he moved from the protection of his police vehicle.

In this case, upon exiting his police vehicle, Officer Cervantes moved away from his driver's door and in front of the left front fender of his police vehicle in order to get a better view of Medina and to also give commands for Medina to place himself into a prone position. The UOFRB noted Medina appeared to be unarmed at this time. There were a utility pole and a light pole between Officer Cervantes and where Medina was initially contacted which provided an obstacle.

Officer Cervantes stated he believed that the two poles were a barrier between him and Medina which would provide him sufficient time to move back the short distance to the cover of his police vehicle and react to a threat. Officer Cervantes believed he was in close proximity to his police vehicle and would be able to utilize the cover afforded by his police vehicle.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that while identified as an area for improvement, Officer's Cervantes actions were not a deviation from approved Department tactical training. In an effort to improve future performance, the Chief will direct this to be a topic of discussion during the Tactical Debrief.

## **Debriefing Point No. 2                      Searches of Arrestees**

- *A peace officer's first goal when conducting a person search is to maximize their own personal safety. By following a systematic approach and process while conducting a person search, peace officers are less likely to overlook a potentially dangerous weapon.*

*A systematic search should include the most likely areas where a weapon might be hidden. This includes but is not limited to the subject's:*

- *Front waistband*
- *Upper body (including the chest, front pockets, armpits, sleeves and sides)*
- *Back (including the rear waistband and buttocks) area*
- *Lower body (including the legs and ankles) (California Commission on Peace Officer Standards and Training, Learning Domain 33).*

Officers are trained to conduct a search of arrestees to ensure that they are not armed with weapons and do not possess items of contraband on their person. This practice is necessary for the safety of not only the officers, but also medical personnel and the public.

Following the OIS, Officers Cervantes and Martinez did not search Medina for additional weapons that he may have possessed on his person.

The UOFRB noted, after the OIS, Medina fell to the ground and was virtually motionless. The box cutter that he was reportedly and observed to be armed with had fallen from Medina's grasp and was moved away from Medina. Officers immediately observed Medina was bleeding profusely and requested a RA to respond for Medina's injuries. Additionally, Officer Cervantes located the wound to Medina's chest and applied a chest seal from an IFAK provided by Officer Guerrero.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that the officers were focused on rendering aid to the suspect. As such, while identified as an area for improvement, their actions did not represent a deviation from approved Department tactical training. In an effort to improve future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Initiating Contact While Seated in Police Car** – The investigation revealed Officers Cervantes and Martinez initiated contact with unknown individuals, later identified as Victims Alaniz and Belhadi, while still seated in their police vehicle. Officers Bernd and Rodriguez initiated contact with another unknown individual who was in a vehicle, later identified as Witness Freeman, while still seated in their police vehicle. The officers are reminded of the importance of proper safety tactics when encountering pedestrian contacts, including the increased visibility and mobility provided by exiting their vehicles during these encounters. The Chief will direct this be a topic of discussion during the Tactical Debrief.

**Supplemental Information Broadcast** – The investigation revealed that Officers Cervantes and Martinez did not broadcast updated information regarding the crime committed by Medina, as well as a verified description of the box cutter he was armed with to responding officers. The officers are reminded that the omission of this information can create a circumstance wherein responding personnel are not fully aware of the circumstances of the evolving tactical situation they may be encountering. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

**Situational Awareness (Airship request)** – The investigation revealed Officers Cervantes and Martinez while attempting to locate Medina, did not request an available air unit to respond and assist with their search. Officers Cervantes and Martinez are reminded to utilize all available resources at their disposal in order to provide a situation

of tactical advantage and ensure operational success. The Chief will direct this be a topic of discussion during the Tactical Debrief.

**Situational Awareness (Chamber Check)** – The investigation revealed Officer Cervantes chamber checked his service pistol after drawing it from his holster during the high-risk pedestrian stop of Medina. Officer Cervantes is reminded of the importance of ensuring the condition of his service pistol prior to deploying it in tactical situation in the field. The Chief will direct this be a topic of discussion during the Tactical Debrief.

**Non-Conflicting Simultaneous Commands** – The investigation revealed that several officers gave simultaneous commands to Medina prior to the OIS. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

**Beanbag Shotgun Manipulations** – The investigation revealed that during the incident, Officer Rodriguez disengaged the safety of the beanbag shotgun prior to intending to shoot. Officer Rodriguez is reminded of the importance of proper beanbag shotgun manipulation during tactical situations and that the premature disengagement of the safety can increase the likelihood of an unintentional discharge. The Chief will direct this topic be discussed during the Tactical Debrief.

**Use of Force Warning** – The investigation revealed that a Use of Force warning was not provided by officers at scene prior to Officer Rodriguez discharging the Beanbag Shotgun. Although in this case, Medina charged officers, limiting the time to provide the verbal warning. The officers are reminded of the importance of providing a Use of Force Warning, when feasible, prior to utilizing less-lethal control devices. In order to enhance future performance, the Chief will direct that this be a topic of discussion during the Tactical Debrief.

**Situational Awareness (Background)** – The investigation revealed that Witness Sanchez was the possible female Officer Cervantes believed was contacted by Medina. At the time Medina was detained, Sanchez was not in the officers' background. As Medina moved south toward the officers, the background of Officer Rodriguez and Officer Cervantes began to angle in a southerly direction, to then include Sanchez. As Officer Rodriguez fired his beanbag shotgun at Medina, who was moving, Sanchez entered into his background. Additionally, Sanchez also entered the background of Officer Cervantes as Officer Cervantes tracked the movement of Medina with his service pistol. Although the issue of Sanchez being in the background of the officers was created by Medina's movements, the elimination of Sanchez from the location could have prevented this issue. Officers at scene did not identify and communicate to Sanchez to leave the area and move to a safer location. The officers are reminded to be mindful of their background during tactical encounters which may result in the use of deadly force and attempt to communicate with community members in the vicinity to leave the area for their safety. The removal of uninvolved community members also

allows for officers to focus on handling the suspect without further distractions. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

**Basic Firearms Safety Rules** – The investigation revealed that Officer Cervantes briefly allowed the muzzle of his service pistol to cover Officer Rodriguez’s back during the incident. Even though this incident was dynamic and fluid in nature, Officer Cervantes is reminded to remain mindful of the Department’s Basic Firearm Safety Rules at all times. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

**Tactical Communication** – The investigation revealed that officers at scene did not communicate with each other prior to moving forward and handcuffing Medina. Officers are reminded of the importance of effective communication during a tactical incident to provide critical basic direction, reduce possible confusion, and improve operational success. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

**Initiating physical contact holding service pistol** – The investigation revealed that as Medina was being rolled onto his stomach, Officer Zamorano held her service pistol in a one-handed grip down to her right side. Officer Zamorano grasped Medina’s right arm with her left hand to assist Officer Martinez with rolling Medina onto his stomach. Officer Zamorano holstered her service pistol after she assisted rolling Medina onto his stomach. Officer Zamorano is reminded that initiating physical contact with a suspect, while holding a service pistol, may inhibit an officer’s ability to utilize other force options or to de-escalate. There is also an increased risk the suspect could gain control of the service pistol. The Chief will direct this be a topic of discussion during the Tactical Debrief.

**Preservation of Evidence** – The investigation revealed that after the OIS, Officer Bernd kicked the box cutter a short distance away from where it fell, due to it being within arm’s reach of Medina. In this case, the proximity in which the box cutter was in relation to Medina was a factor in immediately moving the box cutter. However, to enhance future performance, officers are reminded that whenever tactically feasible, it is preferable to have an uninvolved officer guard evidence and leave it undisturbed until FID investigators can properly document and preserve the scene. If evidence must be moved, officers should don appropriate personal protective equipment, such as latex gloves, to minimize altering or contaminating the evidence. The Chief will direct that this be a topic of discussion during the Tactical Debrief.

**Loading Standards** – The investigation revealed Officer Bernd had loaded 11 rounds in the third magazine<sup>12</sup> for his service pistol. The fully loaded capacity for the magazine was 13 rounds. Officer Bernd is reminded to ensure his magazines are loaded to

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<sup>12</sup> The third magazine was the magazine in his magazine pouch on the farthest left (support side) position on his duty belt.

Department standards prior to responding to an incident. The Chief will direct this be a topic of discussion during the Tactical Debrief.

**Protocols Subsequent to a Categorical Use of Force** – As Officers Cervantes, Martinez, Zamorano, and Guerrero stood together at scene after the OIS, waiting for the RA unit to respond, they had a brief conversation with each other in regard to their positioning and how the incident unfolded; however, they had not been separated or admonished not to discuss the incident by a supervisor. Additionally, Officers Zamorano and Guerrero made telephone calls to personal associates, advising them they were involved in an OIS. These calls were not made in the presence of a supervisor; however, they were made prior to the officers being separated and admonished not to discuss the incident. Officers are reminded of the importance of protocols subsequent to a Categorical Use of Force, specifically not discussing incident until interviewed by FID investigators. The Chief will direct this be a topic of discussion during the Tactical Debrief.

**Completion of Investigative Report (IR)** – The investigation revealed that during the initial response to the radio call, Officers Cervantes and Martinez did not initiate or complete an Investigative Report of the incident with either victim. The initiation and completion of the front face sheet of an IR allows for the documentation of important facts related to the actions of a suspect and the identity of the victim of crime. A signed IR also facilitates the deployment of additional resources, such as the Special Weapons and Tactics (SWAT) team, in the event the incident escalates to a barricaded suspect. Officers are reminded of the benefits of obtaining a signed IR from a victim. The Chief will direct this to be a topic of discussion during the Tactical Debrief.

### **Command and Control**

- *Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL*

*will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*

*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor's Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).*

In reviewing this incident, the UOFRB acknowledged the complexity and chaotic nature of the incident. The UOFRB did note multiple positive steps taken by Officer Zamorano during the incident. However, the UOFRB was critical of the actions of Detective Koenig and Sergeant Sanchez who responded to the scene after the OIS with regards to the protocols subsequent to a categorical use of force. The UOFRB also conducted an analysis of Lieutenant Parks, and Sergeants Guerrero and Gomez' actions, who responded to the incident after the OIS.

The investigation revealed upon arrival, Officer Zamorano took proactive steps to assert command and control when she conducted an assessment and took on the role of the communications officer at the scene. While maintaining a visual of Medina, Officer Zamorano attempted to give commands for Medina to put his hands up and broadcasted a request for a backup. The OIS occurred during her broadcast at which time Officer Zamorano communicated with the other officers at scene to determine if an OIS had occurred. She took an active leadership role, determined the roles of the officers involved, and maintained her role as the communications officer at the scene. Officer Zamorano broadcast a "help call" immediately after the OIS and updated Communications Division that Medina was in custody and all officers were accounted for. Additionally, shortly after the OIS, she requested for a RA to respond for Medina's wounds and for multiple supervisors to respond.

Officer Zamorano's actions were consistent with Department training and the Chief's expectations of a senior officer during a critical incident.

The investigation revealed Detective Koenig was the first supervisor to arrive at scene. He directed an officer to initiate a crime scene log and located the involved officers. Detective Koenig determined Officer Bernd was the officer directly involved in the OIS and separated him from the other officers. Detective Koenig directed Officer Bernd to turn off his BWV, took custody of the BWV, administered a PSS, and monitored him. Detective Koenig believed he was the IC due to him being the first supervisor on scene;

however he did not verbally declare such and did not admonish the other involved officers not to discuss the incident.

Sergeant Sanchez arrived at scene and spoke briefly to Detective Koenig who advised he was taking a PSS from Officer Bernd. Sergeant Sanchez secured the crime scene, directing officers at scene to set up an inner and outer perimeter with crime scene tape. Additionally, Sergeant Sanchez identified the five remaining officers who were involved in the incident and standing near Medina's body. Sergeant Sanchez ordered them to stay in place and stand by for the RA, however he did not separate, monitor, or admonish them not to discuss the incident. Sergeant Sanchez then briefly interviewed Witness Dickson to obtain information due to Witness Dickson wanting to leave. Sergeant Sanchez later administered a PSS to Officer Rodriguez at the direction of Lieutenant Parks.

Lieutenant Parks assumed the role of the IC, but did not verbally declare himself as such. He responded to the scene and began to obtain information regarding the separation, monitoring, and admonishment of the involved officers. Lieutenant Parks assured Officer Bernd had been separated and that a PSS had been conducted. Lieutenant Parks directed Sergeant Sanchez to administer a PSS to Officer Rodriguez and then separated, monitored, and administered a PSS to Officer Martinez himself. Lieutenant Parks later directed Sergeant Mejia to administer a PSS to Officer Guerrero and Sergeant Gomez to administer a PSS to Officer Zamorano, which they did respectively.

The UOFRB noted that all supervisors responded to scene after the OIS had occurred and the tactical situation had concluded. UOFRB determined, and the Chief concurred, that while there were identified areas for improvement Detective Koenig and Sergeant Sanchez's actions with regard to protocols subsequent to a categorical use of force did not significantly deviate from approved Department supervisory training.

The actions of Sergeants Guerrero and Gomez were consistent with Department supervisory training and the Chief's expectations of field supervisors during a critical incident.

The actions of Lieutenant Parks were consistent with Department supervisory training and the Chief's expectations of a watch commander during a critical incident.

### **Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and the Chief concurred, that Officers Cervantes, Martinez, Bernd, Rodriguez, Zamorano and Guerrero's tactics did not substantially deviate from approved Department tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the



appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Detective Koenig and Sergeant Sanchez would not receive formal findings, the Chief believes that they would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, the Chief will direct that Detective Koenig, Sergeant Sanchez, and Officers Cervantes, Martinez, Bernd, Rodriguez, Zamorano, and Guerrero attend a Tactical Debrief and that the specific identified topics are discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

### **General Training Update (GTU)**

On June 20, 2019, Officers Cervantes, Martinez, Bernd, and Rodriguez attended a GTU. All mandatory topics were covered including the Force Option Simulator.

### **Drawing/Exhibiting**

- Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)*

### **Officer Cervantes**

According to Officer Cervantes, he did not recall exactly when he drew his service pistol. However, he stated he drew his service pistol because he believed Medina had a box cutter and the situation could escalate to the use of deadly force. Additionally, Officer Cervantes believed he drew his service pistol out to a low-ready position.

Officer Cervantes recalled,

*I believe it was once, in my mind, I felt that the situation could escalate to a use of deadly force, and because he had a box cutter and we were trying to give him commands, I believe I unholstered. And I was at the low-ready, I believe, too in case.<sup>13</sup>*

*I believe I unholstered after I was already to the -- when I had already moved to the left and I was already in like in that position for a few seconds. Yeah.<sup>14</sup>*

*Well, yeah. I -- I believe that's -- I believe that's when we were, or I was unholstered. And because I believed at that point, he was going to try to pull out his weapon and try to harm me. Well, being based on the comments of call, I thought it was going to be a sharp object, possibly a razor blade, or most likely, the box cutter. So because I was looking for a box cutter, I thought about a yellow box cutter because I was told it was yellow. And so I thought he was going to harm one of us. And so I told the probationer to, who was on my side, to get ready with the less lethal, and -- and I was, I believe, I was -- I unholstered at the low-ready, and then -- and then so then at some point, he moves. He -- he -- I thought -- I guess he found what he was looking for, and I thought it was like the box cutter."<sup>15</sup>*

### **Officer Martinez**

According to Officer Martinez he deployed out of the passenger side of his police vehicle and was the cover officer. He drew his service pistol immediately upon exiting his police vehicle based on his knowledge from speaking with Alaniz and Belhadi, as well as the comments of the call, which had informed him that Medina was armed with a yellow box cutter. Officer Martinez believed the tactical situation could escalate to the use of deadly force.

Officer Martinez recalled,

*"We deployed. I immediately unholstered. I unholstered based on the tactical situation. I knew that from two victims that this guy was armed with a yellow box cutter."<sup>16</sup>*

*Based on the situation, you know, we were stopped, I wanted -- I knew that he was possibly armed. He was not armed at when I saw him, but based on the radio calls,*

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<sup>13</sup> Officer Cervantes, Page 25, lines 10-15.

<sup>14</sup> Officer Cervantes, Page 26-27, lines 23-25 and 1.

<sup>15</sup> Officer Cervantes, Page 30, lines 5-9 and 12-24.

<sup>16</sup> Officer Martinez, Page 9-10, lines 25 and 1-3.

*he was armed with a box cutter. That's why I deployed my weapon, and then I knew from communication with the backup unit, and -- and I mention it in there that does somebody have a 40?*<sup>17</sup>

*I felt like I immediately unholstered based on the tactical situation.*<sup>18</sup>  
*Based on the tactical situation, I had reasonable belief that the situation could escalate to a use of deadly force. And the comments of the call said he was armed with the yellow box cutter. And even though we didn't see it on him, he could be conceal -- concealing it.*<sup>19</sup>

## **Officer Bernd**

According to Officer Bernd, he had received information from Officers Cervantes and Martinez that Medina had previously chased two victims with a weapon and had attempted to commit an Assault with a Deadly Weapon. Due to the nature of the call, a man armed with a knife, as well as his observation that Medina was not completely complying with the commands being given by Officers Cervantes and Martinez, he drew his service pistol to a low-ready position.

Officer Bernd recalled,

*"They were telling him to stop, put your hands up. Suspect was kind of complying, kind of dropping his hands, you know."*<sup>20</sup>

*Due to the nature of the call, the fact that he was armed with a knife, and he wasn't completely complying.*<sup>21</sup>

*They had said that they met with two of the PR's and they both had told them that he did chase them with a weapon."*<sup>22</sup>

## **Officer Zamorano**

According to Officer Zamorano, upon her arrival at Medina's location, she drew her service pistol after exiting her police vehicle based on the comments of the radio call, a

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<sup>17</sup> Officer Martinez, Page 24, lines 18-24.

<sup>18</sup> Officer Martinez, Page 41, lines 13-14.

<sup>19</sup> Officer Martinez, Page 49, lines 13-18.

<sup>20</sup> Officer Bernd, Page 13-14, lines 24-25 and 1.

<sup>21</sup> Officer Bernd, Page 14, lines 11-13.

<sup>22</sup> Officer Bernd, Page 32-33, lines 24-25 and 1.

man armed with a weapon chasing people, and due to the situation potentially leading to the use of deadly force.

Officer Zamorano recalled,

*“And then we both unholstered. Due to the comments of the radio call, it said that there was a 415 man with a knife chasing after people, possibly already cut somebody, and we knew he was armed with a weapon, so I knew that that was -- could lead to deadly force, so I unholstered my weapon.”<sup>23</sup>*

*Immediately when I exited my vehicle.”<sup>24</sup>*

### **Officer Guerrero**

According to Officer Guerrero, she drew her service pistol to a low-ready position after she heard gunfire.

Officer Guerrero recalled,

*“And then when I heard the gunshots, that's when I unholster. And then I started walking more toward -- I saw him fall, so I started moving towards where the suspect was.”<sup>25</sup>*

*It was when I heard the -- the beanbag. That's when I unholster. And then the shotgun went off I want to say around the same time.”<sup>26</sup>*

In this case, the UOFRB conducted a thorough review evaluating the reasonableness of Officers Cervantes, Martinez, and Bernd's Drawing/Exhibiting. The UOFRB noted that Medina had attempted to assault both Victims Alaniz and Belhadi with a box cutter, both of whom avoided harm only by fleeing from Medina. Medina's actions presented a potential deadly threat to the community as well as responding officers.

The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw/exhibit their service pistols. The UOFRB considered that Officers Cervantes and Martinez responded to multiple radio calls that indicated Medina was armed with a box cutter or razor blade. Upon their arrival, they met with both Alaniz and Belhadi who confirmed that Medina was armed with a box cutter and had attempted to assault them. Officer Bernd, who had responded to the

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<sup>23</sup> Officer Zamorano, Page 10, lines 13-18.

<sup>24</sup> Officer Zamorano, Page 35, lines 2-3.

<sup>25</sup> Officer Guerrero, Page 9, lines 21-24.

<sup>26</sup> Officer Guerrero, Page 14, lines 20-22.

radio call to assist Officers Cervantes and Martinez, also had knowledge of the comments of the radio calls and was informed by Officer Martinez of Medina's aggressive actions relayed by Alaniz and Belhadi. The UOFRB noted that upon encountering Medina, Officers Cervantes, Martinez, and Bernd believed Medina was armed with a box cutter and observed he was not immediately complying with commands to place himself on the ground.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Cervantes, Martinez, and Bernd, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Cervantes, Martinez, and Bernd's Drawing/Exhibiting to be In-Policy, No Further Action.

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officers Zamorano and Guerrero's Drawing/Exhibiting. The UOFRB noted that Officers Zamorano and Guerrero were aware of the comments of the multiple radio calls indicating Medina was armed with a weapon.

The UOFRB conducted a diligent and individual assessment of each officer's articulation regarding their decision to draw/exhibit their service pistols. The UOFRB noted, upon her arrival at scene, Officer Zamorano drew her service pistol immediately upon exiting her police vehicle. Officer Zamorano believed Medina may be armed with a weapon based on the comments of the radio calls and believed the tactical situation may escalate to the use of deadly force. The UOFRB also considered that Officer Guerrero was initially designated by Officer Zamorano as the less-lethal cover officer while enroute to the call. Officer Guerrero drew her service pistol immediately after she heard gunfire, believing there was an immediate danger to the officers and the tactical situation could escalate to the use of deadly force.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Zamorano and Guerrero, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, the Chief found Officers Zamorano and Guerrero's Drawing/Exhibiting to be In-Policy, No Further Action.

## Use of Force – General<sup>27</sup>

*It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances. (Los Angeles Police Department Manual, Volume 1, Section 556.10)*

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<sup>27</sup> Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.

## **Less-Lethal Use of Force**

- *It is the policy of this Department that personnel may use only that force which is “objectively reasonable” to:*
  - *Defend themselves;*
  - *Defend others;*
  - *Effect an arrest or detention;*
  - *Prevent escape; or,*
  - *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

*Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects.*

*The courts have held that Less-Lethal force options are “capable of inflicting significant pain and may cause serious injury.” Therefore, consistent with the Department’s Use of Force Policy, Less-Lethal force options are only permissible when:*

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

*Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.*

*An officer may use the Beanbag Shotgun as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*For tactical and weapon retention purposes, the recommended deployment range for the Beanbag Shotgun is five feet to 45 feet. The primary target area is the navel area or belt line, but officers may target the suspect’s arms, hands or legs when practicable (Los Angeles Police Department Use of Force Tactics Directive No. 6.3, Beanbag Shotgun –July 2018).*

**Officer Rodriguez** – Beanbag Shotgun, one super sock round in an easterly direction from an approximate distance of 19 feet.

According to Officer Rodriguez, he observed Medina arm himself with a knife and begin charging at the officers. As Medina approached Officers Martinez and Bernd, Officer Rodriguez targeted Medina’s navel area and discharged one round from his beanbag

shotgun due to Medina not listening to commands and posing a threat to Officers Martinez and Bernd. Officer Rodriguez believed Medina was approximately five to seven feet away from Officers Martinez and Bernd when Officer Rodriguez fired the beanbag round and deemed that Medina would have caused serious bodily harm to the officers had he not taken action. Officer Rodriguez stated that when Medina charged towards the officers, there was no opportunity to provide Medina a use of force warning

Officer Rodriguez recalled,

*"Once I saw him starting to charge, I beanbagged [sic] him due to the fact that he -- he posed a threat to my partner and Officer Martinez. I wasn't -- I wasn't aware of a shot that was fired at that time due to the -- I just heard the beanbag round go off. Suspect was probably five, maybe seven feet away -- five to seven feet away from Officer Martinez and Officer Bernd when I shot the beanbag round."<sup>28</sup>*

*After -- after getting on, you know, the driver side of the vehicle, that's when I was -- I still had it on the frame and then he turned around and started charging. That's when I transitioned my finger over to the trigger -- trigger and then he got closer. He wasn't listening to commands, so I pulled the trigger once, firing one round. That's when suspect went down and he was taken into custody after."<sup>29</sup>*

*No. The reason being is he started charge -- or he started running towards the passenger side, so at that -- at that point it wasn't feasible for us to give the warning and wait for him to kind of respond to the warning. So I didn't give a warning."<sup>30</sup>*

*So I was saying, "Beanbag ready. Beanbag ready," as the suspect turned around. He took a couple steps -- probably two, three steps and then that's when he started, you know, charging at the officers. And that's when I fired the round."<sup>31</sup>*

*My target zone is through like the navel area, kind of like the belt line. So the center mass basically."<sup>32</sup>*

*Right before I discharged the rounds, he had already armed himself with the knife. He was a max of seven feet away from the officers on the passenger side of the vehicle. He had the knife in his left hand. Don't remember the position -- don't exactly remember the position of his hand. I remember having -- or him having it close to his body, but not like -- don't remember exactly what he did after I shot the --*

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<sup>28</sup> Officer Rodriguez, Page 9, lines 13-17 and 20-23.

<sup>29</sup> Officer Rodriguez, Page 21, lines 3-11.

<sup>30</sup> Officer Rodriguez, Page 22, lines 7-12.

<sup>31</sup> Officer Rodriguez, Page 23, lines 18-23.

<sup>32</sup> Officer Rodriguez, Page 24, 1-3.



*or when he was charging at the officers. About seven feet away from the officers and then -- He had it in his left hand and like ready -- just ready to -- it seemed like he was ready to use it at that moment. Like when he was getting closer to the officers.”<sup>33</sup>*

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer Rodriguez’s Less-Lethal Use of Force. The UOFRB noted that Officer Rodriguez was aware of the comments of the call indicating Medina was armed with a box cutter or razor. Additionally, he was informed by Officers Cervantes and Martinez that Medina had attempted to assault Victims Alaniz and Belhadi with a box cutter. While enroute to the radio call, Officer Bernd had designated Officer Rodriguez as the less-lethal cover officer. Upon his arrival at scene, Officer Rodriguez deployed a beanbag shotgun and moved to the driver’s side of Officer Cervantes and Martinez’s police vehicle. The UOFRB considered Officer Rodriguez’s attempt to direct Medina to his knees in Spanish, to which Medina did not respond. Additionally, the UOFRB noted, Medina aggressively reached into his rear waistband and armed himself with a box cutter. Medina charged towards Officers Martinez and Bernd armed with the box cutter, rapidly escalating the encounter and presenting an imminent lethal threat. Officer Rodriguez fired one beanbag round to stop the lethal threat posed to both Officers Martinez and Bernd. Officer Rodriguez assessed and immediately ceased firing after firing his only beanbag round.

The UOFRB also considered the limited amount of time to give Medina a verbal warning prior to the discharging of the beanbag shotgun and that Medina charged at officers.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officer Rodriguez, while faced with similar circumstances, would believe that the same application of less-lethal force would be reasonable to protect themselves and others, and to effect Medina’ arrest.

Therefore, the Chief found Officer Rodriguez’s Less-Lethal Use of Force to be objectively reasonable and In Policy, No Further Action.

## **Lethal Use of Force**

- *Law enforcement officers are authorized to use deadly force to:*
  - *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
  - *Prevent a crime where the subject’s actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*

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<sup>33</sup> Officer Rodriguez, Page 33-34, lines 14-24 and 2-5.

- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

**Officer Bernd** – .45 caliber, 1 round in a northeasterly direction from an approximate distance of 16 feet.

According to Officer Bernd, he observed Medina not fully complying with commands being provided by Officers Cervantes and Martinez, which included him continuing to drop his hands. Officer Bernd observed Medina reach behind his back into his rear waistband and drop an object on the floor. Medina picked up the item, which Officer Bernd recognized as a yellow box cutter. Medina immediately began to run straight towards Officer Bernd and Officer Martinez with the box cutter pointed at them. Officer Bernd believed that he and Officer Martinez would be seriously injured or killed. Officer Bernd fired one round from his service pistol as Medina charged towards them to defend his life and Officer Martinez's life. Officer Bernd stated Medina had closed to an unsafe distance and believed there was no time to redeploy or utilize any other options because Medina was closing the distance too quickly. Officer Bernd assessed after he fired and observed Medina had fallen to the ground, and was no longer posed a lethal threat.

Officer Bernd recalled,

*"We -- I approached. I went up on the passenger side. I had my firearm out. They were giving him commands. At first he was kind of going along with it, not going along with it. All of a sudden he reached behind his back into his rear waistband. He pulled something out, dropped it on the ground, then he picked it back up. And at that time I recognized it to be the weapon that was described in the radio call. It was a yellow -- yellow box cutter. He pulled it out. He had it in his arm. We started giving him commands to stop, drop the weapon. He continued forward. At which point when he got to a point where I felt that that was an unsafe distance, I fired my weapon one time."<sup>34</sup>*

*He was -- he was -- had his hands up and he started dropping them. And they were telling him, "Put your hands back up," and he just continued to drop his hands. At which time he went immediately to his rear waistband. He dug into his rear waistband, he came out with something, and it flew out of his hand and landed on the ground. We immediately -- everybody was giving him commands, "Stop. Put*

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<sup>34</sup> Officer Bernd, Page 6-7, lines 13-25 and 1-2.

*your hands back up." He bent down, he picked up the item, and he turned towards us. At which time I recognized it to be the yellow box cutter.<sup>35</sup>*

*Like in a -- like he's gripping like a -- like holding a knife, I guess.<sup>36</sup>*

*It's pretty fast. I mean, he reached in, and as he came back out, it falls out of his hand. At which time he turns and picks it up immediately.<sup>37</sup>*

*Yeah. As he turned to come towards us -- the comments of the call did describe a yellow box cutter. At which time I saw it and I identified it as that box cutter. Yeah. As -- yeah. As he approached with it, he was coming towards us, yeah, I could see the blade. He's -- well, I'm on that side with Officer Martinez. So he's -- I can immediately see him next to me here and he's coming to -- on our side of the vehicle straight towards us.<sup>38</sup>*

*There was no time. He was closing the distance too quickly.<sup>39</sup>*

*He originally picks up the knife. He starts to turn and run, I guess, back southbound, and he takes a couple steps like that and just comes straight towards us at that point.<sup>40</sup>*

*That myself or the officer standing next to me was going to be seriously injured or even killed. Getting stabbed by that -- by that -- the edged weapon that he was holding.<sup>41</sup>*

*I stepped to the right when he started moving, so I covered him. I decided to shoot when he charged straight at me."<sup>42</sup>*

In this case, the UOFRB conducted a thorough review and analysis of the reasonableness of Officer Bernd's use of lethal force. The UOFRB took into consideration that Medina was armed with a box cutter and had aggressively attempted to assault two victims without provocation prior to the officers' arrival. Additionally, the

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<sup>35</sup> Officer Bernd, Page 16-17, lines 17-25 and 1-3.

<sup>36</sup> Officer Bernd, Page 17, lines 17-18.

<sup>37</sup> Officer Bernd, Page 18, lines 12-15.

<sup>38</sup> Officer Bernd, Page 19, lines 3-6, 12-14, and 21-24.

<sup>39</sup> Officer Bernd, Page 22, lines 7-8.

<sup>40</sup> Officer Bernd, Page 23, lines 12-15.

<sup>41</sup> Officer Bernd, Page 34-35, lines 20-22 and 25-1.

<sup>42</sup> Officer Bernd, Page 43, lines 16-18.

UOFRB considered that Medina, according to his wife, had been suffering from hallucinations, though he had not yet been diagnosed at the time with mental illness.

Upon his arrival at scene, Officer Bernd drew his service pistol and took up a position on the driver's side of Officers Cervantes and Martinez police vehicle. Officer Bernd had designated himself as the lethal cover officer while his partner, Officer Rodriguez, would be the less-lethal cover officer. Officer Bernd observed as Medina failed to comply with commands being provided in both English and in Spanish by Officers Cervantes and Martinez to place himself on the ground. Medina suddenly and without warning, aggressively reached into his rear waistband and armed himself with a box cutter, escalating the incident.

The UOFRB considered the rapid speed in which Medina armed himself and began to charge at Officers Martinez and Bernd armed with the box cutter, which had the blade in the open position. The UOFRB also considered the minimal time in which officers had to make a decision, as well as the threat posed by Medina to the officers. Multiple officers, including Officer Bernd, attempted to order Medina to stop; however, he proceeded towards Officers Martinez and Bernd swiftly and in an aggressive manner. The UOFRB considered the presentation conducted by FID investigators, which included that within approximately 57 seconds upon arrival of the officers, Medina armed himself with the box cutter. The FID investigators also presented that Medina, while armed with box cutter, travelled approximately 16 feet in approximately two seconds, closing the distance to Officer Bernd.

The UOFRB also reviewed the incident and noted that Officer Bernd, in response to the imminent lethal threat presented by Medina's actions, fired one round from his service pistol. Officer Bernd ceased fire immediately after as he assessed and observed Medina fall to the ground, no longer posing a deadly threat. His assessment and the single shot (fire control) contributed to the lack of contagious fire that can occur during similar incidents. The UOFRB noted in their evaluation of his actions, although Officer Bernd used lethal force to defend both his life and Officer Martinez's life, he demonstrated composure under a highly tense and dynamic encounter while exercising notable fire control.

Based on the totality of the circumstances, the UOFRB determined, and the Chief concurred, that an officer with similar training and experience as Officers Bernd, would reasonably believe Medina's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, the Chief found Officer Bernd's Use of Lethal Force to be In Policy, No Further Action.

## **Additional/Equipment**

**Protocols Subsequent to a Categorical Use of Force** – The investigation revealed Detective Koenig was the first supervisor at scene, and believed he was the Incident Commander. He was advised that Officer Bernd was the officer involved in the OIS and identified percipient witness officers to the OIS. He separated Officer Bernd and administered a PSS; however, he did not admonish the remaining officers and order them not to discuss the incident. This issue was brought to the attention of Captain R. Valois, Serial No. 30129, Commanding Officer, Northeast Area, who advised it was addressed through divisional training which was documented in Learning Management System (LMS). The Commanding Officer of Operations – Central Bureau (OCB) and the Director of the Office of Operations (OO) concurred with this action. As such, the Chief deemed no further action to be necessary.

Sergeant Sanchez, upon his arrival to the incident, identified percipient witness officers to the OIS and advised them to remain in place, but did not admonish them not to discuss the incident. Sergeant Sanchez then secured the scene and conducted an interview with a civilian witness who were desirous to leave the scene to catch a flight out of town. Sergeant Sanchez did not get another supervisor to monitor the percipient officers prior to the witness interview. This issue was brought to the attention of Captain Valois, who advised it was addressed through divisional training which was documented in LMS. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

**BWV Activation** - Officers Bernd, Rodriguez, Martinez, Zamorano, and Guerrero activated their BWV cameras shortly after turning the camera on from the powered off position, which did not allow the camera to record a full two-minute buffer. However, their BWVs were activated prior to the incident and captured the incident in its entirety.

An analysis by Northeast Area determined Officer Bernd had two prior BWV non-compliance incidents.<sup>43</sup> This issue was brought to the attention of Captain Valois who advised it was addressed through the issuance of an Employee Comment Sheet and the generation of a Supervisory Action Item (SAI). The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

An analysis by Northeast Area determined Officer Rodriguez had one prior BWV non-compliance incident.<sup>44</sup> This issue was brought to the attention of Captain Valois who advised it was addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO

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<sup>43</sup> Officer Bernd's two prior non-compliance incidents were a late activation and a failure to tag incident.

<sup>44</sup> Officer Rodriguez' prior non-compliance incident was a late activation, which occurred during his BWV 90-day transition period.

concurred with this action. As such, the Chief deemed no further action to be necessary.

An analysis by Northeast Area determined Officer Martinez had one prior BWV non-compliance incident.<sup>45</sup> This issue was brought to the attention of Captain Valois who advised it was addressed through the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

An analysis by Northeast Area determined Officer Zamorano had two prior BWV non-compliance incidents.<sup>46</sup> This issue was brought to the attention of Captain Valois who advised it was addressed through the issuance of an Employee Comment Sheet, and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

An analysis by Northeast Area determined Officer Guerrero had no prior BWV non-compliance incidents. On the day of the incident, Officer Guerrero was a probationary officer assigned to the field for approximately four weeks and was within the 90-day BWV procedures transition period. This issue was brought to the attention of Captain Valois who advised it was addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

Sergeant Sanchez did not activate his BWV camera until he arrived at scene which resulted in his Code Three response being captured by the two- minute buffer without audio. A review of Sergeant Sanchez' Sergeant's Daily Report revealed that he noted the late BWV activation. An analysis by Northeast Area determined Sergeant Sanchez had no prior BWV non-compliance incidents. This issue was brought to the attention of Captain Valois who advised this was addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

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<sup>45</sup> Officer Martinez' prior non-compliance incident was a non-activation.

<sup>46</sup> Officer Zamorano's prior non-compliance incidents were a non-documented test and a failure to tag incident, both of which occurred during her BWV 90-day transition period.

**Watch Commander's Daily Report** – The investigation revealed that the Northeast Patrol Division Watch Commander's Daily Report for this incident, as well as multiple Sergeant's Daily Reports, contained minor deviations regarding the documentation of notifications and the separation and monitoring of officers.

The Watch Commander Daily Report of Lieutenant K. Green, Serial No. 31567, Northeast Patrol Division, did not document the separation and monitoring of Officer Rodriguez.

Sergeant Arellano's Sergeant's Daily Report noted that Officer Rodriguez was picked up for a walk-through at 1900 hours; however, no walk-through was conducted with Officer Rodriguez.

Sergeant Mejia's Sergeant's Daily Report indicated she monitored Officers Zamorano and Guerrero until she was relieved by FID; however, no end time was indicated.

The Supervisor Daily Report of Detective R. Castaneda, Serial No. 26722, Northeast Area, indicated that he also monitored Officer Guerrero from 2045 hours to 2230 hours, until he was relieved by FID.

These issues were brought to the attention of Captain Valois, who advised that they were addressed through an Informal Meeting with Lieutenant Green, Detective Castaneda, and Sergeants Arellano and Mejia. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, the Chief deemed no further action to be necessary.

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## **INSPECTOR GENERAL REVIEW**

### **Inspector General Analysis**

#### **Investigation Quality**

- No significant issues of concern were identified in relation to investigation quality.

#### **Training Issues**

- No significant issues of concern were identified in relation to training.

#### **Equipment Issues**

- No significant issues of concern were identified in relation to equipment.

#### **Detention**

- The OIG concurs with the Chief's analysis.

#### **Tactical De-Escalation**

- The OIG concurs with the Chief's analysis.

### **Inspector General Recommendations**

#### **Tactics**

- The OIG concurs with the Chief's findings.

#### **Drawing/Exhibiting**

- The OIG concurs with the Chief's findings.

#### **Less-Lethal Use of Force**

- The OIG concurs with the Chief's findings.

#### **Lethal Use of Force**

- The OIG concurs with the Chief's findings.



Mark P. Smith  
Inspector General